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B I L L S,

PUBLIC:

SIX VOLUMES.

—*(5.)*—

LEASES AND SALES OF SETTLED ESTATES

TO

QUEEN'S COLLEGES (IRELAND).

Session

31 *January* —— 29 *July* 1856.

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SIX VOLUMES:—CONTENTS OF THE

FIFTH VOLUME.

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A

B I L L

INTITULED

An Act to facilitate Leases and Sales of Settled Estates.

[*Note.*—The Words printed in Red Ink are proposed to be inserted in Committee.]

WHEREAS it is expedient that the Court of Chancery should have Power in certain Cases to authorize Leases and Sales of settled Estates where it shall deem that such Leases or Sales would be proper and consistent with a due Regard for the Interests of all Parties entitled under the Settlement; and it is also expedient that Persons in possession of Land for certain limited Interests should have Power to grant Agricultural or Occupation Leases thereof, at Rackrent, for a reasonable Period: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Word "Settlement," as used in this Act, shall signify any Act of Parliament, Deed, Agreement, Copy of Court Roll, Will, or other Instrument, or any Number of such Instruments, under or by virtue of which any Hereditaments of any Tenure or any Estates or Interests in any such Hereditaments stand limited to or in trust for any Persons, by way of Succession, including any such Instruments affecting the Estates of any One or more of such Persons exclusively; and the Term "Settled Estates," as used in this Act, shall signify all Hereditaments of any Tenure and all Estates or Interests in any such Hereditaments which are the Subject of a Settlement: and for the Purposes Interpretations: "Settlement:" "Settled Estates:"

"Tenant in Tail after Possibility, &c."

Purposes of this Act a Tenant in Tail after Possibility of Issue extinct shall be deemed to be a Tenant for Life.

Court of Chancery may authorize Leases of Settled Estates, subject to certain Conditions.

II. It shall be lawful for the Court of Chancery in England, so far as relates to Estates in England, and for the Court of Chancery in Ireland, so far as relates to Estates in Ireland, if it shall deem it proper and consistent with a due Regard for the Interests of all Parties entitled under the Settlement, and subject to the Provisions and Restrictions in this Act contained, to authorize Leases of any Settled Estates, or of any Rights or Privileges over or affecting any Settled Estates, for any Purpose whatsoever, whether involving Waste or not, provided the following Conditions be observed:

First, every such Lease shall be made to take effect in possession at or within One Year next after the making thereof, and shall be for a Term of Years not exceeding for an Agricultural or Occupation Lease Twenty-one Years, for a Mining Lease, or a Lease of Water, Water Mills, Wayleaves, Waterleaves, or other Rights or Easements, Forty Years, and for a Building Lease Ninety-nine Years, or where the Court shall be satisfied that it is the usual Custom of the District and beneficial to the Inheritance to grant Building Leases for longer Terms, then for such Term as the Court shall direct:

Secondly, on every such Lease shall be reserved the best Rent, or Reservation in the Nature of Rent, either uniform or not, that can be reasonably obtained, to be made payable half-yearly or oftener, without taking any Fine or other Benefit in the Nature of a Fine:

Thirdly, where the Lease is of any Earth, Coal, Stone, or Mineral, a certain Portion of the whole Rent or Payment reserved shall be from Time to Time set aside and invested as herein-after mentioned; namely, when and so long as the Person for the Time being entitled to the Receipt of such Rent is a Person who by reason of his Estate, or by virtue of any Declaration in the Settlement, is entitled to work such Earth, Coal, Stone, or Mineral for his own Benefit, One Fourth Part of such Rent, and otherwise Three Fourth Parts thereof; and in every such Lease sufficient Provision shall be made to ensure such Application of the aforesaid Portion of the Rent, by the Appointment of Trustees or otherwise, as the Court shall deem expedient:

Fourthly, no such Lease shall authorize the felling of any Trees, except so far as shall be necessary for the Purpose of clearing the Ground for any Buildings, Excavations, or other Works authorized by the Lease:

Fifthly, every such Lease shall be by Deed, and the Lessee shall execute a Counterpart thereof; and every such Lease shall contain

tain a Condition for Re-entry on Nonpayment of the Rent for a Period not less than Twenty-eight Days after it becomes due.

Leases may contain special Covenants.

III. Subject and in addition to the Conditions herein-before mentioned, every such Lease shall contain such Covenants, Conditions, and Stipulations as the Court shall deem expedient with reference to the special Circumstances of the Demise.

Parts of Settled Estates may be leased.

IV. The Power to authorize Leases conferred by this Act shall extend to authorize Leases either of the whole or any Parts of the Settled Estates, and may be exercised from Time to Time.

Leases may be surrendered and renewed.

V. Any Leases granted under this Act may be surrendered, either for the Purpose of obtaining a Renewal of the same or not; and the Power to authorize Leases conferred by this Act shall extend to authorize new Leases of the whole or any Part of the Hereditaments comprised in any surrendered Lease.

The Power to authorize Leases extends to preliminary Contracts.

VI. The Power to authorize Leases conferred by this Act shall extend to authorize preliminary Contracts to grant any such Leases; and any of the Terms of such Contracts may be varied in the Leases.

Mode in which Leases may be authorized.

VII. The Power to authorize Leases conferred by this Act may be exercised by the Court, either by approving of particular Leases, or by ordering that Powers of leasing, in conformity with the Provisions of this Act, shall be vested in Trustees in manner hereinafter mentioned.

What Evidence to be produced on an Application to authorize Leases.

VIII. When Application is made to the Court, either to approve of a particular Lease, or to vest any Powers of leasing in Trustees, the Court shall require the Applicant to produce such Evidence as it shall deem sufficient to enable it to ascertain the Nature, Value, and Circumstances of the Estate, and the Terms and Conditions on which Leases thereof ought to be authorized.

After Approval of a Lease, Court to direct who shall be the Lessor.

IX. When a particular Lease or Contract for a Lease has been approved by the Court, the Court shall direct what Person or Persons shall execute the same as Lessor; and the Lease or Contract executed by such Person or Persons shall take effect in all respects as if he or they was or were at the Time of the Execution thereof absolutely entitled to the whole Estate or Interest which is bound by the Settlement, and had immediately afterwards settled the same according to the Settlement, and so as to operate (if necessary) by way of Revocation and Appointment of the Use, or otherwise as the Court shall direct.

Powers of leasing may be vested in Trustees.

X. Where the Court shall deem it expedient that any general Powers of leasing any Settled Estates conformably to this Act should be vested in Trustees, it may by Order vest any such Power accordingly, either in the existing Trustees of the Settlement or in any other Persons; and such Powers, when exercised by such Trustees, shall take effect in all respects as if the Power so vested in them had been originally contained in the Settlement, and so as to operate (if necessary) by way of Revocation and Appointment of the Use, or otherwise as the Court shall direct; and in every such Case the Court, if it shall think fit, may impose any Conditions as to Consents or otherwise on the Exercise of such Power, and the Court may also authorize the Insertion of Provisions for the Appointment of new Trustees from Time to Time for the Purpose of exercising such Powers of leasing as aforesaid.

Court may authorize Sales of Settled Estates, and of Timber.

XI. It shall be lawful for the Court of Chancery in England, so far as relates to Estates in England, and for the Court of Chancery in Ireland, so far as relates to Estates in Ireland, if it shall deem it proper and consistent with a due Regard for the Interests of all Parties entitled under the Settlement, and subject to the Provisions and Restrictions in this Act contained, from Time to Time to authorize a Sale of the whole or any Parts of any Settled Estates or of any Timber (not being ornamental Timber) growing on any Settled Estates; and every such Sale shall be conducted and confirmed in the same Manner as by the Rules and Practice of the Court for the Time being is or shall be required in the Sale of Lands sold under a Decree of the Court.

Consideration for Land sold for Building may be a Fee-farm Rent.

XII. When any Land is sold for Building Purposes it shall be lawful for the Court, if it shall see fit, to allow the whole or any Part of the Consideration to be a Rent issuing out of such Land, which may be secured and settled in such Manner as the Court shall approve.

Minerals, &c. may be excepted from Sales.

XIII. On any Sale of Land any Earth, Coal, Stone, or Mineral, may be excepted, and any Rights or Privileges may be reserved, and the Purchaser may be required to enter into any Covenants, or submit to any Restrictions, which the Court may deem advisable.

Court may authorize Dedication of Parts of Settled Estates for Roads, &c.

XIV. It shall be lawful for the Court of Chancery in England, so far as relates to Estates in England, and for the Court of Chancery in Ireland, so far as relates to Estates in Ireland, if it shall deem it proper and consistent with a due Regard for the Interests of all Parties entitled under the Settlement, and subject to the Provisions and Restrictions in this Act contained, from Time to Time to direct that any Part of any Settled Estates be laid out for Streets, Roads, Paths, Squares, Gardens, or other open Spaces, Sewers, Drains, or Watercourses, either to be dedicated to the Public or not; and the Court

Court may direct that the Parts so laid out shall remain vested in the Trustees of the Settlement, or be conveyed to and vested in any other Trustees, upon such Trusts for securing the continued Appropriation thereof to the Purposes aforesaid in all respects, and with such Provisions for the Appointment of new Trustees when required, as by the Court shall be deemed advisable.

How Sales and Dedications are to be effected under the Direction of the Court.

XV. On every Sale or Dedication to be effected as herein-before mentioned the Court may direct what Person or Persons shall execute the Deed of Conveyance; and the Deed executed by such Person or Persons shall take effect as if the Settlement had contained a Power enabling such Person or Persons to effect such Sale or Dedication, and so as to operate (if necessary) by way of Revocation and Appointment of the Use, or otherwise as the Court shall direct.

Application by Petition to exercise Powers conferred by this Act.

XVI. Any Person entitled to the Possession or to the Receipt of the Rents and Profits of any Settled Estates for a Term of Years determinable on his Death, or for an Estate for Life or any greater Estate, may apply to the Court, by Petition in a summary Way, to exercise the Powers conferred by this Act.

With whose Consent such Application to be made.

XVII. Subject to the Exception contained in the next Section, every Application to the Court must be made with the Concurrence or Consent of the following Parties; namely,

Where there is a Tenant in Tail under the Settlement in existence, and of full Age, then the Parties to concur or consent shall be such Tenant in Tail, or if there is more than One such Tenant in Tail then the first of such Tenants in Tail, and all Persons in existence having any beneficial Estate or Interest under or by virtue of the Settlement prior to the Estate of such Tenant in Tail, and all Trustees having any Estate or Interest on behalf of any unborn Child prior to the Estate of such Tenant in Tail;

And in every other Case the Parties to concur or consent shall be all the Persons in existence having any beneficial Estate or Interest under or by virtue of the Settlement, and also all Trustees having any Estate or Interest on behalf of any unborn Child.

Petition may be granted without Consent, saving Rights of non-consenting Parties.

XVIII. Provided nevertheless, That unless there shall be a Person entitled to an Estate of Inheritance whose Consent or Concurrence shall have been refused or cannot be obtained, it shall be lawful for the Court, if it shall think fit, to give effect to any Petition, subject to and so as not to affect the Rights, Estate, or Interest of any Person whose Consent or Concurrence has been refused or cannot be obtained, or whose Rights, Estate, or Interest ought in the Opinion of the Court to be excepted.

Notice of Application to be served on all Trustees, &c.

XIX. Notice of any Application to the Court under this Act shall be served on all Trustees who are seised or possessed of any Estate in trust for any Person whose Consent or Concurrence to or in the Application is hereby required, and on any other Parties who in the Opinion of the Court ought to be so served, unless the Court shall think fit to dispense with such Notice.

Notice of the Exercise of Powers to be given by the Court.

XX. The Court shall direct that some sufficient Notice of any Exercise of any of the Powers conferred on it by this Act shall be placed on the Settlement or on any Copies thereof, or otherwise recorded in any way it may think proper, in all Cases where it shall appear to the Court to be practicable and expedient, for preventing Fraud or Mistake.

Court may appoint Trustees to receive and apply Monies arising from Sales.

XXI. All Money to be received on any Sale effected under the Authority of this Act, or to be set aside out of the Rent or Payments reserved on any Lease of Earth, Coal, Stone, or Minerals as aforesaid, may, if the Court shall think fit, be paid to any Trustees of whom it shall approve, or otherwise the same shall be paid into the Bank of England or Ireland, as the Case may be, to the Account of the Accountant General of the Court of Chancery, ex parte the Applicant in the Matter of this Act, and in either Case such Money shall be applied as the Court shall from Time to Time direct to some One or more of the following Purposes; (namely,)

The Purchase or Redemption of the Land Tax, or the Discharge or Redemption of any Incumbrance affecting the Hereditaments in respect of which such Money was paid, or affecting any other Hereditaments subject to the same Uses or Trusts; or

The Purchase of other Hereditaments to be settled in the same Manner as the Hereditaments in respect of which the Money was paid; or

The Payment to any Person becoming absolutely entitled.

Trustees may apply Monies, in certain Cases, without Application to Court.

XXII. The Application of the Money in manner aforesaid may, if the Court shall so direct, be made by the Trustees (if any) without any Application to the Court, or otherwise upon an Order of the Court upon the Petition of the Person who would be entitled to the Possession or the Receipt of the Rents and Profits of the Land if the Money had been invested in the Purchase of Land.

Until Application, Money to be invested in Exchequer Bills, &c.

XXIII. Until the Money can be applied as aforesaid, the same shall, together with all Interest arising therefrom, be from Time to Time invested in Exchequer Bills; and if the Money arising from the ultimate Sale of such Exchequer Bills for the Purpose of any such Application as herein-before directed shall exceed the Amount of the Principal

Principal Money originally invested in Exchequer Bills, then and in such Case only the Excess shall be paid to the Person who would have been entitled to the Rents and Profits of the Land if the Money had been invested in the Purchase of Land, or to his personal Representatives.

Court may exercise Powers repeatedly; but may not exercise them if expressly negatived.

XXIV. The Court shall be at liberty to exercise any of the Powers conferred on it by this Act, whether the Court shall have already exercised any of the Powers conferred by this Act in respect of the same Property, or not; but no such Powers shall be exercised if an express Declaration or manifest Intention that they shall not be exercised is contained in the Settlement, or may reasonably be inferred therefrom, or from extrinsic Circumstances or Evidence: Provided always, that the Circumstance of the Settlement containing Powers to effect similar Purposes shall not preclude the Court from exercising any of the Powers conferred by this Act, if it shall think that the Powers contained in the Settlement ought to be extended.

Court not to authorize any Act which could not have been authorized by the Settlor.

XXV. Nothing in this Act shall be construed to empower the Court to authorize any Lease, Sale, or other Act beyond the Extent to which in the Opinion of the Court the same might have been authorized in and by the Settlement by the Settlor or Settlors.

Acts of the Court in professed pursuance of this Act, not to be invalidated.

XXVI. After the Completion of any Lease or Sale, or other Act, under the Authority of the Court, and purporting to be in pursuance of this Act, the same shall not be invalidated on the Ground that the Court was not hereby empowered to authorize the same; except that no such Lease, Sale, or other Act shall have any Effect against any Person whose Concurrence in or Consent to the Application ought to have been obtained, and was not obtained.

Costs.

XXVII. It shall be lawful for the Court, if it shall think fit, to order that all or any Costs or Expenses of all or any Parties of and incident to any Application under this Act shall be a Charge on the Hereditaments which are the Subject of the Application, or on any other Hereditaments included in the same Settlement, and subject to the same Limitations; and the Court may also direct that such Costs and Expenses shall be raised by Sale or Mortgage of a sufficient Part of such Hereditaments, or out of the Rents or Profits thereof, such Costs and Expenses to be taxed as the Court shall direct.

Lord Chancellor may make Rules and Orders.

XXVIII. The Lord Chancellor of Great Britain, with the Advice and Assistance of the English Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice-Chancellors, or of any Three of them, so far as relates to Proceedings in England, and

the Lord Chancellor of Ireland, with the Advice and Assistance of the Irish Master of the Rolls, so far as relates to Proceedings in Ireland, may, if he shall think fit, from Time to Time make General Rules and Orders for carrying the Purposes of this Act into effect, and for regulating the Times and Form and Mode of Procedure, and generally the Practice of the Court in respect of the Matters to which this Act relates, and for regulating the Fees and Allowances to all Officers and Solicitors of the Court in respect to such Matters, and such Rules and Orders may from Time to Time be rescinded or altered by the like Authorities respectively; and all such Rules and Orders shall take effect as General Orders of the Court.

Rules and Orders to be laid before Parliament.

XXIX. All General Rules and Orders made as aforesaid shall, immediately after the making and issuing thereof, be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not then sitting, within Twenty-one Days after the next Meeting thereof; and it shall be lawful for either of the Houses of Parliament, by any Resolution passed within Thirty-six Days after such Rules or Orders have been laid before it, to resolve that the same or any Part thereof ought not to continue in force, and thereupon the same shall cease to be binding.

Tenants for Life, &c. may grant Leases for Twenty-one Years.

XXX. It shall be lawful for any Person entitled to the Possession or to the Receipt of the Rents and Profits of any Settled Estates for an Estate for Life, or for a Term of Years determinable with his Life, or for any greater Estate, either in his own Right or in right of his Wife, unless the Settlement shall contain an express Declaration that it shall not be lawful for such Person to make such Demise; and also for any Person entitled to the Possession or to the Receipt of the Rents and Profits of any unsettled Estates as Tenant by the Courtesy, or in Dower, or in right of a Wife who is seised in Fee, without any Application to the Court, to demise the same or any Part thereof, except the principal Mansion House and the Demesnes thereof, and other Lands usually occupied therewith, from Time to Time, for any Term not exceeding Twenty-one Years to take Effect in possession; provided, that every such Demise be made by Deed, and the best Rent that can reasonably be obtained be thereby reserved, without any Fine or other Benefit in the Nature of a Fine, which Rent shall be incident to the immediate Reversion; and provided that such Demise be not made without Impeachment of Waste, and do contain a Covenant for Payment of the Rent, and such other usual and proper Covenants as the Lessor shall think fit, and also a Condition of Re-entry on Nonpayment for a Period not less than Twenty-eight Days of the Rent thereby reserved, and on Nonobservance of any of the Covenants or Conditions therein contained; and provided a Counterpart of every Deed of Lease be executed by the Lessee.

XXXI. Every

Against whom such Leases shall be valid.

XXXI. Every Demise authorized by the last preceding Section shall be valid against the Person granting the same, and all other Persons entitled to Estates subsequent to the Estate of such Person under or by virtue of the same Settlement, if the Estates be settled, and in the Case of unsettled Estates against all Persons claiming through or under the Wife or Husband (as the Case may be) of the Person granting the same.

Evidence of Execution of Lease by Lessee.

XXXII. The Execution of any Lease by the Lessor or Lessors shall be deemed sufficient Evidence that a Counterpart of such Lease has been duly executed by the Lessee as required by this Act.

Repeal of 32 Hen. 8. c. 28. and 10 Car. 1. sess. 3. c. 6. (Ireland), except as to Ecclesiastical Leases.

XXXIII. The Act of the Thirty-second Year of King Henry the Eighth, Chapter Twenty-eight, intituled "Lessees to enjoy the Farm against the Tenants in Tail," and the Act of the Parliament of Ireland of the Tenth Year of King Charles the First, Session Three, Chapter Six, intituled "An Act that Lessees shall enjoy their Farms "against Tenants in Tail or in right of their Wives, &c.," are hereby repealed, except so far as relates to Leases made by Persons having an Estate in the Right of their Churches.

Provision as to Infants, Lunatics, &c.

XXXIV. All Powers given by this Act, and all Applications to the Court under this Act, and Consents to such Applications, may be exercised, made, or given by Guardians on behalf of Infants, and by Committees on behalf of Lunatics, and by Assignees of Bankrupts or Insolvents: Provided nevertheless, that in the Cases of Infant or Lunatic Tenants in Tail no Application to the Court or Consent to any Application may be made or given by any Guardian or Committee without the special Direction of the Court.

A married Woman applying to the Court to be examined apart from her Husband.

XXXV. Where a married Woman shall apply to the Court, or consent to an Application to the Court, under this Act, she shall first be examined apart from her Husband touching her Knowledge of the Nature and Effect of the Application, and it shall be ascertained that she freely desires to make or consent to such Application; and such Examination shall be made whether the Hereditaments which are the Subject of the Application shall be settled in trust for the separate Use of such married Woman independently of her Husband, or not; and no Clause or Provision in any Settlement restraining Anticipation shall prevent the Court from exercising, if it shall think fit, any of the Powers given by this Act, and no such Exercise shall occasion any Forfeiture, anything in the Settlement contained to the contrary notwithstanding.

Application not to be a Breach of Restraint on Anticipation.

Such Examination to be either by

XXXVI. The Examination of such married Woman shall be made either by the Court or by some Solicitor duly appointed by the Court

the Court or by a Solicitor.

for that Purpose, who shall certify, under his Hand, that he has examined her apart from her Husband, and is satisfied that she is aware of the Nature and Effect of the intended Application, and that she freely desires to make or consent to the same.

Married Women under Age.

XXXVII. Subject to such Examination as aforesaid, married Women may make or consent to any Applications, whether they be of full Age or Infants.

No Equity to compel any one to apply to the Court.

XXXVIII. Nothing in this Act shall be construed to create any Obligation at Law or in Equity on any Person to make or consent to any Application to the Court, or to exercise any Power.

Tenants for Life, &c. may exercise Powers notwithstanding Incumbrances.

XXXIX. For the Purposes of this Act, a Person shall be deemed to be entitled to the Possession or to the Receipt of the Rents and Profits of Estates, although his Estate may be charged or incumbered either by himself or by the Settlor, or otherwise howsoever, to any Extent; but the Estates or Interests of the Parties entitled to any such Charge or Incumbrance shall not be affected by the Acts of the Person entitled to the Possession or to the Receipt of the Rents and Profits as aforesaid unless they shall concur therein.

Exception as to Entails created by Act of Parliament.

XL. Provided always, That nothing in this Act shall authorize any Sale or Lease beyond the Term of Twenty-one Years of any Settled Estates in which, under the Act of the Thirty-fourth and Thirty-fifth Years of King Henry the Eighth, Chapter Twenty, "to "embar feigned Recovery of Lands wherein the King is in Reversion," or under any other Act of Parliament, the Tenants in Tail are restrained from barring or defeating their Estates Tail.

Saving Rights of Lords of Manors.

XLI. Nothing in this Act shall authorize the granting of a Lease of any Copyhold or Customary Hereditaments not warranted by the Custom of the Manor without the Consent of the Lord, nor otherwise prejudice or affect the Rights of any Lord of a Manor.

To what Settlements this Act to extend.

XLII. The Provisions of this Act shall extend to all Settlements, whether made before or after it shall come in force, except those as to Demises to be made without Application to the Court, which shall extend only to Settlements made after this Act shall come in force.

Not to extend to Scotland.

XLIII. This Act shall not extend to Scotland.

Commencement of Act.

XLIV. This Act shall come in force on the First Day of November One thousand eight hundred and fifty-six.

Leases and Sales of Settled Estates.

A

BILL

INTITULED

An Act to facilitate Leases and Sales of Settled Estates.

(*Brought from the Lords* 14 *March* 1856).

Ordered, by The House of Commons, *to be Printed*, 2 *April* 1856.

[Bill 81.]

Under 2 oz.

Local Dues on Shipping, &c. Bill.

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Interpretation of Terms; 2.
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Commencement of Act; 4.

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SCHEDULE.

A

BILL

FOR

The Abolition of Passing Tolls and the Regulation of Local Dues on Shipping.

WHEREAS it is expedient that Provision should be made for the Abolition of Passing Tolls, and the Regulation of Local Dues levied on Shipping without Prejudice to the just Rights of Creditors, and for the Abolition of Differential Dues and of Compensation payable in respect thereof out of the Consolidation Fund, and for the Abolition of Exemptions from Local Dues levied on Shipping: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Preliminary.

I. This Act may be cited for all Purposes as "The Local Dues on Shipping Act, 1856." Short Title of Act.

II. In the Construction of this Act the following Expressions shall have the Meanings hereby assigned to them, unless such Meanings are inconsistent with the Context; (that is to say,) Interpretation of Terms:

"Local Authority" shall mean any Municipal or other Corporation, Body of Persons, or Person, who would, if this Act had not "Local Authority:"

not passed, have been entitled to levy or receive the Proceeds of any Taxes to which this Act applies, or any Part of such Taxes:

"Harbour Authority:" "Harbour Authority" shall include all Commissioners, Trustees, or other Bodies of Persons Corporate or Unincorporate intrusted with the Duty of constructing, improving, maintaining, or lighting any public Harbour:

"Pilotage Authority:" "Pilotage Authority" shall include all Bodies and Persons authorized to appoint or license Pilots, or to fix or alter Rates of Pilotage, or to exercise any Jurisdiction in respect of Pilotage:

"Charge:" "Charge" shall include any Mortgage, Debt, Annuity, or other Incumbrance whatever:

"Mortgagor:" "Mortgagor" shall mean any Body Corporate, Body of Persons, or Person by whom or on whose Property any Charge has been made:

"Mortgagee:" "Mortgagee" shall mean any Body Corporate, Body of Persons, or Person entitled to the Benefit of any Charge:

"Shipping Purposes." The Expression "Shipping Purposes" shall include the constructing or doing any Work or Thing that conduces to the Safety or Convenience of Ships, or that facilitates the shipping or unshipping of Goods, and shall also include the Payment of any Debt incurred for such Purposes.

Division of Act. III. This Act shall be deemed to be divided into Four Parts:
The First Part relating to Passing Tolls:
The Second Part relating to Taxes applied to other than Shipping Purposes:
The Third Part relating to Differential Dues and Exemptions:
The Fourth Part relating to Miscellaneous Matters.

Commencement of Act. IV. This Act shall come into operation on the *First Day of January One thousand eight hundred and fifty-seven.*

PART I.

Passing Tolls.

Abolition of Passing Tolls. V. No Taxes, whether known by the Name of Passing Tolls or otherwise, shall be levied by or on behalf of the Authorities of the Harbours of Dover, Ramsgate, Whitby, or Bridlington, on any Ships or Goods carried in Ships unless such Ships enter the said Harbours respectively.

VI. *All*

VI. All Charges which have previously to the First Day of February One thousand eight hundred and fifty-six been legally created on any Tolls abolished by the First Part of this Act shall be payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, in such Manner as the Commissioners of Her Majesty's Treasury may direct. Debts on Passing Tolls to be paid out of the Consolidated Fund.

VII. All Taxes on Ships, or Goods carried in Ships, leviable within the Ports of Dublin or Cork, which are mentioned in the Schedule hereto shall be abolished. Abolition of special Duties at Dublin and Cork.

PART II.

Taxes applied to other than Shipping Purposes.

VIII. The Second Part of this Act shall apply to all Rates, Dues, Duties, and Imposts (herein-after included in the Term Taxes) leviable in the United Kingdom on Ships, or on Goods carried in Ships, with the following Exceptions; that is to say, Description of Taxes to which the Second Part of this Act applies.

(1.) Duties leviable by the Commissioners of Customs for the Use of Her Majesty:

(2.) Taxes leviable under the Authority of "The Merchant Shipping Act, 1854:"

(3.) Pilotage Rates:

(4.) Taxes which are leviable by any Harbour Authority on Ships using such Harbour or on Goods carried in such Ships, and which are exclusively appropriated by Law to the Construction, Maintenance, Improvement, or Lighting of such Harbour, or to the Payment of Debts contracted for those Purposes:

(5.) Taxes leviable by the Proprietors of any Dock, Pier, or private Proprietary Harbour on Ships using such Dock, Pier, or Harbour, or on Goods carried in such Ships:

(6.) Taxes leviable by any Company out of the Profits of which a Dividend may be paid to the Shareholders:

(7.) Taxes leviable by any private Individual in exercise of a private Proprietary Right:

(8.) Taxes leviable by the Corporation of the City of London.

IX. All Taxes to which the Second Part of this Act applies, with the Exception of Taxes leased to private Persons entitled to apply the Proceeds to their own Use, and of Taxes leviable by any Harbour Authority in its Capacity as such Authority, shall be collected by the Commissioners of Customs; and the said Commissioners Taxes to which Part II. applies to be collected by Commissioners of Customs.

missioners shall, with respect to the Collection and Recovery of the said Taxes, have all the Powers conferred by "The Harbours, Docks, and Piers Clauses Act, 1847," upon the Undertakers therein mentioned; with respect to the Collection and Recovery of Rates payable under the Special Act therein referred to, and for that Purpose the Clauses of such last-mentioned Act with respect to the Collection and Recovery of Rates shall be incorporated with this Act; and in the Construction of such Clauses this Act shall be deemed to be "the Special Act;" the Taxes to which the Second Part of this Act applies shall be deemed to be "the Rates authorized to be levied by the Special Act;" the said Commissioners shall be deemed to be "the Undertakers;" and any Officer employed by them in the Collection of the said Taxes shall be deemed to be "the Collector of Rates."

Taxes when collected to be paid over to Paymaster General.

X. All Taxes so collected by the Commissioners of Customs and their Officers shall, after deducting the Expenses of Collection, be paid over to Her Majesty's Paymaster General, in such Manner as the Board of Trade directs.

Separate Accounts to be kept for each Place.

XI. The Paymaster General shall apply all Monies paid to him under the Provisions of this Act in such Manner as the Board of Trade directs; and the Board of Trade shall keep a separate Account of the Monies paid at or in respect of each Place.

Saving of Rights of Mortgagees.

XII. In Cases where the Taxes to which the Second Part of this Act applies are subject to any Charge, the Rights, Remedies, and Obligations of the Mortgagee shall continue in force to the same Extent as if this Act had not passed.

Rules as to the Discharge of Mortgages.

XIII. Subject to the Rights of Mortgagees as herein-before reserved, the following Rules shall be observed with respect to the Discharge of all Charges on Taxes to which the Second Part of this Act applies:—

Proportion to be borne by Shipping Dues:

(1.) Every Charge made on any Taxes to which the Second Part of this Act applies in common with other Property of the Mortgagor shall be payable out of such Taxes and other Property respectively, in the Proportion which the Income derived from such Taxes, calculated on an Average of the *Three* Years immediately preceding the First Day of January One thousand eight hundred and fifty-six, or the last preceding Day on which the annual Accounts of the Mortgagor were made up, bears to the Income derived from such other Property calculated on a like Average:

(2.) For

(2.) For the Purpose of ascertaining the Amounts payable in the Case of any Charge out of the said Taxes and other Property respectively, the Mortgagor shall render to the Board of Trade an Account of the Income derived from such Taxes and other Property respectively in such Manner and to be authenticated by such Evidence as the Board of Trade directs; and the said Board shall thereupon determine such Amounts: Mode of ascertaining same:

(3.) If at any Time any Taxes to which the Second Part of this Act applies are applied in satisfaction of any Charge to an Extent exceeding the above Proportion, such Excess shall be repaid by the Mortgagor, and shall be deemed to be a Debt due to the Crown, and be recoverable accordingly: Excess paid by Shipping Dues to be repaid:

(4.) If at any Time any Mortgagor makes Payments in satisfaction of any Charge to an Extent exceeding the above Proportion, such Mortgagor shall be repaid the Amount of such Excess out of any Taxes in the Hands of the Paymaster General standing to the Account of the Place where the Taxes so charged are levied: Excess paid by Mortgagor to be repaid:

(5.) The Mortgagor and the Board of Trade acting in respect of the Taxes subject to any such Charge shall respectively, until the whole of such Charge is satisfied, in every Year, out of the Property and Taxes so charged, cause to be paid off *Five* per Cent. on the Amount of the Principal of such Charge, or lay aside a sufficient Sum to pay off such Per-centage, and apply the same as early as may be to that Purpose: Sinking Fund:

(6.) The Mortgagor and Board of Trade respectively may enter into any Arrangement they think fit with any Mortgagee for paying off any Charge at an earlier Period than that at which the same would otherwise have been payable, and may pay any Monies by way of Inducement for such Arrangement: Payment of Charge:

(7.) Such Mortgagor and the Board of Trade respectively may, if they think fit, invest in the Three Pounds per Centum Consolidated Bank Annuities or in such other Security as may be approved by the Board of Trade any Sum that may be so laid aside by them as aforesaid for the Purpose of paying off any such Charge as aforesaid; and they shall accumulate the Proceeds of any such Investment by way of Compound Interest; and such Proceeds shall be applicable to the same Purposes as the Funds from which they proceeded: Investment of Sinking Fund:

(8.) Where the Mortgagor is a Local Authority having Power to levy any Rate or Rates other than Rates on Ships or on Goods Power to Mortgagor to levy Rates:

Goods carried in Ships, such Authority shall in each Year, if their Property is insufficient to discharge their Proportion of any Charge to which it is by this Act made subject, raise by means of any Rate or Rates leviable by them, other than Rates on Ships or Goods carried in Ships, a Sum sufficient to satisfy the same; and no Prohibition contained in any Act of Parliament as to the maximum Amount of Rate to be levied by any such Authority shall affect any Rate to be levied in pursuance of this Section:

Power to Local Authority to borrow.

(10.) Every such Local Authority may from Time to Time borrow at Interest on the Security of any Rate or Rates, other than Rates on Ships or Goods carried in Ships, which it has Power to levy, any Sum or Sums, and apply the same in satisfying or reducing any Charge so incurred as aforesaid; and for the Purposes of such borrowing the Clauses of the Commissioners Clauses Act, 1847, with respect to the Mortgages to be executed by the Commissioners, (except the Clause numbered LXXXIV.,) shall be incorporated with this Act.

Mode of enforcing Performance of Duty by Local Authority.

XIV. The Duty hereby imposed on any Local Authority in respect of any Charge shall be deemed to be a Duty in which any Person or Body Corporate is or are personally interested, and no Evidence to the contrary shall be received; and the Nonperformance of such Duty or of any Part thereof by any such Local Authority shall be deemed to be a sufficient Ground upon which such Person or Body Corporate may found a Claim for a Writ of Mandamus; and he or they shall be deemed to have sustained Damage by such Nonperformance; and he or they may accordingly bring an Action, in pursuance of the Common Law Procedure Act, 1854, for a Writ of Mandamus to enforce the Performance of such Duty or of any Portion thereof, or may take such other Proceedings in the Premises as he or they may be advised; but nothing herein contained shall prevent any other Proceeding from being instituted by which the Performance of such Duty on the Part of such Local Authority may be legally enforced.

Estimate to be given to Board of Trade of Taxes hitherto applied to Shipping or Charitable Purposes.

XV. In Cases where any of the Taxes to which the Second Part of this Act applies would if this Act had not been passed have been applicable to Shipping Purposes, or to the Payment of any Charitable or other Pensions, Superannuations, or other Allowances which have been lawfully granted or allowed before the First Day of February One thousand eight hundred and fifty-six, and which would, if this Act had not been passed, have been paid out of the said Taxes, an annual Estimate may be presented to the Board of Trade of

of the Sums that will be required during the current Year for such Purposes and Payment as aforesaid; and such Estimate shall contain such Particulars and be authenticated by such Evidence as the Board of Trade directs.

Board of Trade may apportion between Taxes and other Sums.

XVI. If on such Estimate being presented it appears that any such Purposes or Payments as are mentioned in the last Section would have been satisfied partly out of Taxes to which the Second Part of this Act applies, and partly from other Sources, the Board of Trade shall make an Apportionment, and direct the due Proportion to be paid out of Taxes to which the Second Part of this Act applies.

Board of Trade may allow Application of Taxes to Purposes stated in Estimate.

XVII. The Board of Trade may, if satisfied with such Estimate, direct the Paymaster General to pay to the Local Authority submitting the same the Amount thereby claimed out of the Monies for the Time being standing to the Account of the Place to which such Local Authority belongs.

Account to be rendered to the Board of Trade of Expenditure.

XVIII. Every Local Authority to which any Amount has been paid by the Paymaster General under the Provisions of this Act shall render to the Board of Trade, at such Time and in such Form as they may direct, an Account of the Manner in which the Monies so paid have been expended.

Power to pay Taxes to Harbour Authority.

XIX. Her Majesty may, by Order in Council, direct that any Taxes to which the Second Part of this Act applies shall, subject to the Provisions herein contained with respect to Leases and Mortgages thereof, be paid over to any Harbour Authority.

Taxes so vested to be applied to Shipping Purposes only.

XX. All Taxes so paid over to such Harbour Authority shall be by them applied to such Shipping Purposes as may be in the said Order in Council specified, and to no other Purpose whatsoever; and such Harbour Authority shall keep an Account of the Amount received on account of such Taxes, and of the Manner in which they are expended, and shall render such Account to the Board of Trade every Year.

Case of Taxes comprised in subsisting Leases.

XXI. In Cases where any Taxes to which the Second Part of this Act applies have, by any Lease made previously to the First Day of February One thousand eight hundred and fifty-six, been leased to any Persons who are entitled to apply the Proceeds to their own Use, such Taxes shall, until the Expiration of such Lease, continue to be collected by the Lessees; but any Rent reserved on such Lease shall be payable to the said Paymaster General, and be recoverable as a Debt due to the Crown; and such Rent shall be

subject to the Provisions of this Act in the same Manner as the Taxes in respect of which such Rent is paid would have been if they had not been leased; and at the Expiration of such Lease the Taxes so leased shall be dealt with in the same Manner as other Taxes subject to the Provisions of this Act.

Apportionment of Rent under Leases, including Taxes not subject to Act.

XXII. In Cases where any such Lease as aforesaid comprises Taxes to which the Second Part of this Act applies together with other Taxes or Property, the Rent reserved under such Lease may for the Purposes of this Act be apportioned between such first-mentioned Taxes and such other Taxes and Property; and such Apportionment may be made by Agreement between the Board of Trade on the one Part, and the Lessors on the other Part, and in the event of Disagreement shall be settled by Arbitration in manner herein-after provided.

Case of Taxes levied by Harbour Authorities Part only of which is applied for Shipping Purposes.

XXIII. In Cases where any Tax to which the Second Part of this Act applies is leviable by any Harbour Authority in that Capacity, such Tax shall continue to be collected by or on behalf of such Harbour Authority; and so much of such Tax as is by Law appropriated to Shipping Purposes by such Harbour Authority shall continue to be so appropriated, and the Residue of such Tax shall be payable to the said Paymaster General, and shall be recoverable as a Debt due to the Crown, and shall be subject to the same Provisions as if the same had been collected by the Commissioners of Customs under the Second Part of this Act.

Manner of supplying Deficiency where Taxes taken away were applicable to other than Shipping Purposes.

XXIV. In Cases where any of the Taxes to which the Second Part of this Act applies or any Sums forming Part of or arising therefrom, would, if this Act had not been passed, have been applicable by any Local Authority to other than Shipping Purposes, any Sums which by reason of such Taxes or Sums being taken away from such Authority may be needed for such Purposes may be provided out of any Rate or Rates, other than Rates on Ships or Goods carried in Ships, leviable by such Authority; and no Prohibition contained in any Act of Parliament as to the maximum Amount of Rate to be levied by such Authority shall affect any Rate to be levied in pursuance of this Section.

Power for Her Majesty by Order in Council to reduce or abolish Taxes.

XXV. Her Majesty may, by Order in Council, from Time to Time direct that all or any of the Taxes to which the Second Part of this Act applies shall be reduced in Amount, or shall be abolished, either generally or with respect to particular Classes of Ships; and may also, if in any Case such Taxes are reduced to such Extent as to be insufficient to satisfy the Charges thereon, again direct the same to be

be raised by an Amount not exceeding the Amount by which they have been reduced; and on such Order being published in the London Gazette such Taxes shall be reduced in Amount, raised, or abolished, as the Case may be, in such Manner as is thereby directed and from such Time as is specified in the said Order.

PART III.

Differential Dues and Exemptions.

Abolition of Differential Dues on Foreign Vessels, and of Compensation out of Consolidated Fund.

XXVI. No Taxes or Rates or Dues of any kind shall be payable in respect of any Foreign Ship or Goods carried in any Foreign Ship over and above the Taxes and Rates payable in respect of British Ships and the Goods carried in British Ships, except such Duties as the Commissioners of Customs may be empowered to levy for the Use of Her Majesty under any Act of Parliament in the Events therein mentioned; nor shall any Body Corporate, Person or Body of Persons, to whom any such Differential Taxes or Rates have at any Time been payable, be indemnified for the Loss sustained by reason of the Abolition of such Differential Taxes or Rates, whether effected by this or by any former Act, by Payments out of the Consolidated Fund.

Indemnity to Trading Companies and private Persons.

XXVII. The Proprietors of any Dock, Pier, or Harbour, and Companies, out of the Profits of which a Dividend may be paid to the Shareholders, and private Individuals entitled by reason of a private Proprietary Right, may indemnify themselves for any Loss they may sustain by the Abolition of Differential Taxes and Rates, and of Compensation therefor, by raising their Taxes on all Ships and on Goods carried therein by such an Amount as will produce an annual Sum equal to the average annual Amount received by them as Differential Dues and Compensation therefor during the Ten Years ending with the Thirty-first of December One thousand eight hundred and fifty-five.

Indemnity to public Authorities rendering Service to Ships.

XXVIII. All such Pilotage Authorities and other Bodies Corporate, Bodies of Persons, and Persons as have heretofore been entitled to Differential Taxes or Rates or to Compensation therefor, in return for Services rendered to the Owners of Ships or of Goods carried therein, may indemnify themselves for the Loss of such Differential Taxes and Rates, and of Compensation therefor, by raising their Taxes and Rates on all Ships and on Goods carried therein by such an Amount as will produce a Sum equal to the average annual Amount received by them as Differential Dues and as Compensation

therefor during the Ten Years ending the Thirty-first of December One thousand eight hundred and fifty-five, or equal to such less Sum as will enable them to perform the said Services.

Sanction of Board of Trade to Increase to be obtained.

XXIX. Before any Body Corporate, Persons or Body of Persons, become entitled to raise their Taxes or Rates under the Two preceding Sections, they shall present an Estimate to the Board of Trade containing such Particulars and authenticated by such Evidence as the said Board requires; and such Board shall thereupon determine the Extent, if any, to which they may increase their Taxes or Rates.

Power to recover increased Dues.

XXX. In the event of any Increase of Taxes or Rates being sanctioned by the Board of Trade, the Body Corporate, Persons or Body of Persons empowered to increase the same, shall, notwithstanding any Act of Parliament, Charter, or Usage to the contrary, have the same Powers and Remedies for levying such increased Taxes or Rates as they previously had for levying the same Taxes or Rates previously to such Increase.

Exemptions abolished.

XXXI. No Exemption from Taxes or Rates leviable on Ships or on Goods carried in Ships, shall be made or allowed by reason of the Owner of such Ship or Goods being a Freeman of any Borough, or belonging to any other Class of Her Majesty's Subjects heretofore privileged in that Behalf, or by reason of such Ship belonging to any particular Port.

PART IV.

Miscellaneous Matters.

Transfer of Dover Harbour to the Admiralty.

XXXII. The Harbour of Dover and the Soil thereof, and all Property, Real and Personal, vested in the Warden and Assistants of Dover Harbour for the Purposes thereof, with their actual and reputed Appurtenances, shall, subject to all Liabilities affecting the same, be transferred to and are hereby vested in the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, and their Successors in Office for ever, in trust for Her Majesty, Her Heirs and Successors, for the Public Service.

Transfer of Powers of Warden and Assistants to Admiralty.

XXXIII. All Powers, Rights, and Privileges of imposing, collecting, or recovering any Taxes or Rates, of purchasing any Lands, or of doing any other Matter or Thing relating to the said Harbour or the Property belonging thereto, which may by virtue of any Act of Parliament

Parliament or otherwise be vested in or exerciseable by the said Warden and Assistants, shall be transferred to, vested in, and exerciseable by the said Commissioners for executing the Office of Lord High Admiral, and their Successors in Office.

Transfer of Ramsgate Harbour to the Crown.

XXXIV. The Harbour of Ramsgate and the Soil thereof, and all Property, Real and Personal, vested in the Trustees of the said Harbour for the Purposes thereof, with their actual and reputed Appurtenances, and all Rights and Privileges to, on, or relating to the Premises hereby transferred, shall be transferred to and are hereby vested in Her Majesty, Her Heirs and Successors.

Ramsgate Harbour to be under the Management of the Board of Trade.

XXXV. The Harbour of Ramsgate, and all Property belonging thereto hereby transferred shall be under the Superintendence and Control of the Board of Trade.

Repeal of Acts relating to Ramsgate Harbour.

XXXVI. The following Acts, (that is to say,)

An Act passed in the Thirty-second Year of the Reign of His late Majesty King George the Third, Chapter Seventy-four (Local and Personal), intituled "An Act for the Maintenance and Improvement of the Harbour of Ramsgate in the County of Kent, and for cleansing, amending, and preserving the Haven of Sandwich, in the same County:" 32 G. 3. c. 74. (Local and Personal.)

An Act passed in the Thirty-seventh Year of the Reign of His late Majesty King George the Third, Chapter Eighty-six (Local and Personal), intituled "An Act for amending an Act passed in the Thirty-second Year of the Reign of His present Majesty, intituled 'An Act for the Maintenance and Improvement of the Harbour of Ramsgate in the County of Kent, and for cleansing, amending, and preserving the Haven of Sandwich, in the same County:'" 37 G. 3. c. 86. (Local and Personal.)

An Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, Chapter Eighty-four (Local and Personal), intituled "An Act to alter and amend Two Acts made in the Thirty-second and Thirty-seventh Years of His present Majesty, for the Support and Maintenance of Ramsgate Harbour in the County of Kent," 55 G. 3. c. 84. (Local and Personal.)

shall be repealed, subject to this Proviso, that such Repeal shall not affect—

(1.) Anything duly done before such Repeal comes into operation;

(2.) Any Liability incurred before such Repeal comes into operation;

(3.) Any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence committed before such Repeal comes into operation.

Board of Trade may levy Taxes in Ramsgate Harbour.

XXXVII. The Board of Trade may impose and levy the following Taxes; that is to say,

(1.) On every Vessel, of whatever Size, entering the said Harbour, excepting Fishing Boats belonging to Ramsgate and Vessels using the said Harbour solely as a Harbour of Refuge, a Tax of *Threepence* per Ton, and a further Tax of *One Penny* per Ton for every Week after the first Four Weeks during which such Vessel remains in the said Harbour:

(2.) On all Cargoes or Goods, except Coals, landed or shipped in the said Harbour, a Tax not exceeding *Two Shillings* for each Ton Weight of such Cargoes or Goods:

(3.) On every Passenger embarking from or landing on the Pier of the said Harbour, a Tax not exceeding *Threepence:*

And the said Board may from Time to Time vary such Taxes by reducing or raising the same, provided that such Taxes do not at any Time exceed the Amount herein-before authorized to be levied.

Board of Trade to receive Per-centage on Salvage.

XXXVIII. The Board of Trade shall be entitled to receive a Tax of *Five* per Cent. on all Salvage paid in respect of any Ship or Boat, or Cargo, or Apparel of any Ship or Boat, or any Wreck or other Property which may be brought into the said Harbour; and such Per-centage shall be deducted from the Salvage, and shall be paid to the said Board before the Remainder of the Salvage is paid over to the Salvors, and shall be recoverable by the same Means by which the Salvage is recoverable.

Incorporation of Harbours, Docks, and Piers Clauses Act.

XXXIX. "The Harbours, Docks, and Piers Clauses Act, 1847," shall be incorporated with this Act, so far as the same relates to Ramsgate Harbour; and for the Purposes of such Incorporation this Act shall be deemed to be "the Special Act;" the Taxes and Monies hereby made leviable by the Board of Trade on account of Ramsgate Harbour shall be deemed to be "the Rates authorized to be levied by the Special Act;" the said Board of Trade shall be deemed to be "the Undertakers;" and any Officer employed by them in the Collection of the said Taxes and Monies shall be deemed to be "the Collector of Rates."

Property transferred to be held on trust for the Purposes of the Harbour.

XL. All Income arising from the said Harbour of Ramsgate and the Property belonging thereto shall be applied for the Maintenance and Improvement of the said Harbour, and of the Services and Expenses connected therewith; and the Board of Trade from Time to Time may sell such Property or any Part thereof, and apply the Produce for the Purposes aforesaid.

XLI. The

XLI. The said Harbour shall not, nor shall any Property at or near Ramsgate so transferred as aforesaid, be assessed, rated, or liable to pay to any County, Parochial, or other Rates or Cesses. Harbour to be free from Rates.

XLII. All Lights, Buoys, and Beacons belonging to or maintained by the Trinity House of Newcastle, except such Lights, Buoys, and Beacons as are within the Mouth of the River Tyne, together with their actual and reputed Appurtenances, shall be transferred to and are hereby vested in the Trinity House of Deptford Strond. Transfer of certain Lights, &c. to Trinity House.

XLIII. All Lights, Buoys, and Beacons under the Jurisdiction of the Fraternity of the Masters and Seamen of Dundee, together with their actual and reputed Appurtenances, shall be transferred to and are hereby vested in the Commissioners of Northern Lighthouses. Transfer of certain other Lights, &c. to Commissioners of Northern Lighthouses.

XLIV. All Lights, Buoys, and Beacons vested in the Trustees or Commissioners appointed for carrying into execution the Act of the Twenty-ninth Year of the Reign of King George the Second, intituled "An Act for erecting, maintaining, and supporting a "Lighthouse on the Island of Little Cumray in the County of "Bute, at the Mouth of the Clyde, in North Britain, and for "rendering the Navigation in the Frith and River of Clyde more "safe and commodious," with their actual and reputed Appurtenances, and all other Property of the said Trustees or Commissioners, shall, subject to all Liabilities affecting the same, be transferred to and vested in the Commissioners of Northern Lighthouses. Transfer of Cumray Lighthouses to Northern Lights Commissioners. 29 G. 2. c. 29.

XLV. All Taxes heretofore leviable in respect of any Lights, Buoys, or Beacons hereby transferred shall be deemed to be Taxes to which the Second Part of this Act applies, and shall be dealt with accordingly; and in the event of Her Majesty abolishing any Taxes in respect of any such Lights, Buoys, or Beacons under the Powers herein-before given in that Behalf, there shall thereafter be payable in respect of such last-mentioned Lights, Buoys, and Beacons such Taxes and Monies as Her Majesty may by Order in Council fix; and such Dues shall be paid and collected in the same Manner, by the same Means, and subject to the same Conditions in, by, and subject to which the Light Dues authorized to be levied by "The Merchant Shipping Act, 1854," in respect of any other Lights, Buoys, or Beacons belonging to the said Trinity House of Deptford Strond or Commissioners of Northern Lighthouses respectively are by such last-mentioned Act authorized to be levied. Taxes on transferred Lights.

Ballastage Rates not applied to Shipping Purposes.

XLVI. All Ballastage Rates, the whole of which are not appropriated by Law to Shipping Purposes, except such as are payable to any Company out of the Profits of which a Dividend may be paid to the Shareholders, or payable to any Individual in exercise of a private proprietary Right, shall be deemed to be Taxes to which the Second Part of this Act applies, and shall be dealt with accordingly.

Power to reduce Ballastage Rates when Receipts exceed Expenditure.

XLVII. Whenever the Receipts from Ballastage Rates payable to any Harbour Authority exceed the Expenditure on Ballastage, it shall be lawful for Her Majesty in Council, subject to any Leases or Charges affecting the same, to reduce such Rates by an Amount equal to the Excess, and from Time to Time, as Occasion may require, to raise or again to reduce the same to such an Extent as may be necessary to make the Receipts equal to the Expenditure; and any Harbour Authority to whom such Rates are payable may indemnify themselves for the Reduction of such Rates to the same Extent and in the same Manner to and in which Bodies Corporate, Persons and Bodies of Persons, to whom Differential Dues or Compensation for Differential Dues has heretofore been payable, are hereby authorized to indemnify themselves for the Loss thereof.

Power to Harbour Authorities to purchase private Rights of levying Dues.

XLVIII. Any Harbour Authority may, with the Consent of the Board of Trade, purchase all such Rights to levy Taxes on Ships, or on Goods carried in Ships, as may be exerciseable within such Harbour by any Company, out of the Profits of which a Dividend may be paid to the Shareholders, or by any private Individual in the Exercise of a private proprietary Right, and may defray the Expenses of such Purchase out of any Monies for the Time being belonging to them as such Harbour Authority; and such Purchase shall be deemed to be a Shipping Purpose within the Meaning of this Act.

Power to borrow in order to effect such Purchase.

XLIX. Every Harbour Authority may from Time to Time borrow at Interest on the Security of any Property belonging to them, or of any Rate or Rates which they have Power to levy, any Sum or Sums they may require for effecting any such Purchase as aforesaid; and for the Purposes of such borrowing the Clauses of the Commissioners Clauses Act, 1847, with respect to the Mortgages to be executed by the Commissioners, (except the Clause numbered LXXXIV.,) shall be incorporated with this Act.

Incorporation of Lands Clauses Act in respect of such Purchases.

L. For the Purpose of such Purchases, "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation (Scotland) Act, 1845," shall be incorporated with this Act; and in the Construction of this Act and the said incorporated Acts this Act shall be deemed to be the Special Act; and any Right to such Dues

Dues as aforesaid shall be considered as an Interest in Land authorized to be taken by the Special Act; and such Harbour Authority as aforesaid shall be deemed to be the Promoters of the Undertaking.

The Board of Trade may allow Compensation to Persons deprived of Offices.

LI. The Board of Trade may, in its Discretion, allow such Compensation or Superannuation Allowance as it thinks fit to any Person who by reason of the passing of this Act is deprived of any Salary or Emolument, so that no such Compensation or Superannuation Allowance exceeds the Proportion of Salary or Emoluments which might be granted under similar Circumstances to a Person in the Public Civil Service under the Act of the Fifth Year of the Reign of King William the Fourth, Chapter Twenty-four, or of any other Act for regulating such Compensations or Superannuation Allowances for the Time being in force; and any Compensation or Superannuation Allowance so allowed shall be paid out of any Monies standing for the Time being to the Account of the Place or Harbour at or on behalf of which such Person may have been employed.

Rules as to Arbitration.

LII. Arbitrations under this Act shall be conducted in manner directed by the Companies Clauses Consolidation Act, 1845, and for this Purpose the Clauses of the said Act with respect to the Settlement of Disputes by Arbitration shall be incorporated herewith.

SCHEDULE.

Special Taxes at Dublin and Cork.

Name of Port.	Nature of Tax.	Act under which levied.
Dublin - -	Duty on Vessels of Twopence per Ton. Two Shillings and Sixpence upon every Entry Inwards made in the Port of Dublin. Two Shillings and Sixpence upon every Entry Outwards made in the Port of Dublin.	45 G. 3. c. 18. (Schedule D.)
	Duties leviable in respect of the several Persons and Matters specified in the Schedule to the Act mentioned in the next Column.	56 G. 3. c. 62.
Cork - - -	Entry and Cocquet Tax - - One Shilling British Currency upon every Entry, Cocquet, or Warrant for any Goods entered Inwards or Outwards.	54 G. 3. c. 196. s. 3.

Local Dues on Shipping, &c.

A

BILL

For the Abolition of Passing Tolls and the Regulation of Local Dues on Shipping.

(*Prepared and brought in by Mr. FitzRoy, Mr. Lowe, and Viscount Palmerston.*)

Ordered, by The House of Commons, *to be Printed*, 4 *February* 1856.

[Bill 6.]

Under 3 *oz.*

London Corporation Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 5 & 6 W. 4. c. 76.

The City to be divided into Wards; Sect. 1.

Secretary of State to appoint Persons to set out the Wards; 2.

Right of voting for Alderman, Common Councilman, or Ward Officer; 3.

Occupiers may claim to be rated; 4.

Compositions not to be disturbed, and Landlord's Liability not to be affected; 5.

Provision as to successive Occupation; 6.

In case of Titles by Descent, &c., how Occupation is to be reckoned; 7.

Ward Clerks to make Lists of all Persons entitled to vote in their respective Wards; 8.

Rate Books to be produced; 9.

Provision for Case of Death or Incapacity of Officer, and for the Discharge of Duties of Ward Clerk until the Appointment of such Officer; 10.

Notices by Persons omitted in Ward Lists, and claiming to be put thereon, and by Persons objecting to others as not entitled to be thereon. Lists of Claimants and Persons objected to to be made by the Town Clerk; 11.

Recorder and Common Serjeant, jointly or separately, to hold Courts for Revision of Lists; 12.

Any Person on the List of Voters may object to Claimants; 13.

Application may be made to Court of Queen's Bench for a Mandamus to put a Person on the Ward List; 14.

Power of Court to adjourn, and to administer Declarations, &c. Persons or Person holding Revision Courts to sign Ward Lists; 15.

Lists to be kept by Town Clerk, and be in force from 1st December inclusive for One Year; 16.

Copies of Lists to be sold; 17.

Five Common Councilmen and One Alderman to be elected in each Ward; 18.

Where and before whom periodical Elections of Aldermen and Common Councilmen to take place; 19.

Provision for taking the Poll at such Elections; 20.

No Inquiry of the Voter, except as to his Identity, and whether he has voted before at the same Election. Forms of Questions; 21.

When the Poll is to be declared; 22.

Existing Aldermen and Common Councilmen to go out of Office; 23.

Manner of proceeding if a Person be elected an Alderman or Common Councilman in more than One Ward; 24.

Term of Office of Common Councilmen and Aldermen; 25.

Election of Lord Mayor; 26.

Lord Mayor and Aldermen to be Justices; 27.

Three Auditors to be elected annually; 28.

Provisions as to Ward Elections to apply to Election of Auditors; 29.

Persons vacating Office may be re-elected; 30.

Casual Vacancies; 31.

Lord Mayor to appoint Time and Place of Election where not appointed in the Act; 32.

Who are not qualified to be chosen Lord Mayor, Aldermen, Common Councilmen, or Auditors; 33.

Qualification of Sheriffs; 34.

Lord Mayor, Sheriffs, Aldermen, Common Councilmen, and Auditors not to act until they have made a Declaration of Acceptance of Office, and, where qualified by Estate, of such Qualification; 35.

Every Person not accepting Office to pay a Fine; 36.

Disqualification of Lord Mayor, Aldermen, and Common Councilmen; 37.

Penalty on Persons acting who are disqualified; 38.

Penalty on Ward Clerks and Town Clerks for Neglect to comply with the Provisions of the Act; 39.

Accounts of Receipts and Disbursements to be audited, and published; 40.

Accounts to be transmitted to Secretary of State, and Abstract laid before Parliament; 41.

Power of Sale and Leasing restrained; 42.

Power to renew Leases, &c.; 43.

Leases of certain Buildings, and of Ground for building on, or for making Gardens, &c., may be made for Seventy-five Years; 44.

Common Hall Elections transferred to Common Council; 45.

Court of Aldermen abolished, and their Functions vested in Common Council; 46.

Powers now vested in the Court of Aldermen in respect of Prisons to be exercised by the Aldermen as Magistrates in Sessions; 47.

Exclusive Rights of Trading in the City abolished; 48.

All Coal Duty payable to the Corporation which does not expire on 5th July 1862 to be applied to pay off the Monies charged thereon, and to provide a Sinking Fund for that Purpose; 49.

Chamberlain to keep separate Accounts of the said Duty, which shall be laid before Parliament; 50.

Coal Duty to cease when existing Charges have been paid, and any Surplus to be carried to Consolidated Fund; 51.

Rights in respect of Coal Metage not to revive on Cesser of Coal Duty; 52.

The Right of Metage and the exclusive Right of Porterage abolished; 53.

Enactments respecting the Admission of Brokers by the Court of Aldermen repealed; 54.

Street Tolls abolished; 55.

Restriction on Grant of Markets within Seven Miles of the City repealed; 56.

Jurisdiction of Mayor and Aldermen of the City as Justices for Southwark abolished; 57.

Coroner for the City to cease to act for Southwark; 58.

Office of High Bailiff of Southwark abolished; 59.

Upon there ceasing to be a High Bailiff for the Borough of Southwark, a Returning Officer to be appointed by the Sheriff, and High Bailiff to be appointed for the Southwark County Court; 60.

Police Courts to be established in the City, and the City to be within the Metropolitan Police District for the Purposes of the Police Courts Acts; 61.

Saving for certain Penalties and Fines; 62.

City Police Constables to attend the Magistrates; 63.

Repeal of Enactment constituting Lord Mayor and Aldermen Judges of Central Criminal Court; 64.

Hustings Court abolished. Mayor's Court to have the Jurisdiction of abolished Court; 65.

Records of Court of Hustings to be placed in Custody of Town Clerk; 66.

Jurisdiction of Sheriff's Court abolished, except as to Proceedings under the City Small Debts Act, 15 Vict. c. lxvii.—67.

Recorder sole Judge of Lord Mayor's Court, but Common Serjeant may act in certain Cases; 68.

No Commission of Error to issue; 69.

Appeal from Mayor's Court to Superior Courts at Westminster; 70.

Appeal to be in Form of Case; 71.

Power to Judges of Superior Courts to regulate Proceedings on Appeals; 72.

Constitution and Incorporation of "The Conservators of the River Thames and Port of London;" 73.

Powers of Conservators may be exercised by Three of them; 74.

Powers vested in the Corporation of London or the Lord Mayor in relation to the Conservancy of the Thames and Port of London transferred to Conservators under this Act; 75.

Byelaws and Appointments continued; 76.

Property of Corporation of London and Lord Mayor, in relation to the Conservancy of the Thames and Port of London, transferred to Conservators, subject to Liabilities; 77.

Stocks and Securities arising under 4 & 5 W. 4. c. 32., and other Securities and Monies connected with the Conservancy, &c., to be transferred and paid as the Treasury may direct, upon trust for the said Conservators; 78.

No Erection to be made on the River without the Consent of the Conservators; 79.

Conservators may erect Piers and Landing Places; 80.

Exclusive Privileges of Watermen's Company abolished, &c.; 81.

Officers to receive Compensation on Removal; to deliver Statement of Claims; 82.

Compensation to be secured by Bond under Common Seal; 83.

Repeal of Acts, Customs, and Charters inconsistent with this Act; 84.

Provision as to Sunday, Good Friday, and Christmas Day, and Fast and Thanksgiving Days; 85.

Interpretation of Terms: "the City" "the Corporation," "the Common Council," "the Lord Mayor;" 86.

SCHEDULES.

A

B I L L

FOR

The better Regulation of the Corporation of the City of London.

WHEREAS the Corporation of the City of London is not subject to the Provisions of the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth (Chapter Seventy-six), "to provide for the Regulation of Municipal "Corporations in England and Wales:" And whereas it is expedient that Provision should be made for the Regulation of the said Corporation, and for the Abolition of such Customs and Privileges of the said City as injuriously affect Trade and Industry: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 5 & 6 W. 4. c. 76.

I. The City shall be divided into *Sixteen* Wards; and it shall be lawful for such Person or Persons as may be appointed for this Purpose, as herein provided, to determine and set out, within *Three Months* after the passing of this Act, the Extent, Limits, and Boundary Lines of such Wards, and what Portions of the City shall be included therein respectively; and a Copy of the Particulars of such The City to be divided into Wards.

Division shall be forthwith transmitted to One of Her Majesty's Principal Secretaries of State, and if Her Majesty, by the Advice of Her Privy Council, approve of such Determination, shall be published in the London Gazette; and the City shall, after such Publication, be deemed to be divided into such Wards so determined and set out, and such Division shall continue and be in force until the same be altered by Authority of Parliament: Provided always, that if Her Majesty, by Advice of Her Privy Council, do not approve such Determination, such Publication as aforesaid shall nevertheless be made and such Division be in force for the Purpose of any Election under the Provisions of this Act, and until such Time as Her Majesty shall, by Advice of Her Privy Council, upon further Information and Report from any such Person or Persons, definitively approve the Division of the City into Wards in manner herein-before mentioned.

Secretary of State to appoint Persons to set out the Wards.

II. One of Her Majesty's Principal Secretaries of State shall, as soon as conveniently may be after the *passing of this Act*, appoint One or more fit Person or Persons to set out the Wards into which the City is by this Act directed to be divided; and such Secretary of State shall, in case Circumstances appear to him so to require, appoint any other fit Person or Persons in the Place of or in addition to any such Person or Persons originally appointed under this Provision; and every Person appointed to set out such Wards shall be paid at a Rate not exceeding the Sum of *Five Guineas* for every Day that he is employed by virtue of such Appointment, and the Amount payable to him in respect of such Employment shall be determined and certified by the Commissioners of Her Majesty's Treasury, and the Amount so certified shall be paid to such Person by the Chamberlain of the City out of any Monies in the Chamber of the City.

Right of voting for Alderman, Common Councilman, or Ward Officer.

III. Every Male Person of full Age, and not subject to any legal Incapacity, who occupies within the City, either solely, or jointly with any other Person or Persons, any House, Warehouse, Counting-house, Office, Chambers for Business, Shop, Wharf, or other Tenement, and is rated in respect of such Premises to the Police Rate for the City as herein-after mentioned, (that is to say,) in the Case of a sole Occupation is so rated in his own Name on a net annual Value of not less than *Ten Pounds* per Annum, and in the Case of a joint Occupation is so rated jointly with the other Occupier or Occupiers on a net annual Value which when divided by the Number of Occupiers will give a Sum of not less than *Ten Pounds* per Annum for each such Occupier, shall, if on the List of Voters for the Ward in which such Premises are situate for the Time being in force, be entitled to vote in any Election of an Alderman

or

or Common Councilman or Ward Officer in such Ward, and of Auditors under this Act; but no Person shall be put on any such List to be made in any Year unless he have occupied such Premises for *Twelve* Months next preceding the *First* Day of *October* in such Year, and have been rated as aforesaid to every such Police Rate made during the Time of such Occupation; and no Person, except as aforesaid, shall be entitled to vote at any such Election.

Occupiers may claim to be rated.

IV. It shall be lawful for any Person occupying within the City any House, Warehouse, Counting-house, Office, Chambers for Business, Shop, Wharf, or other Tenement, to claim to be rated to the said Police Rate in the Rate for the Time being, and in all Rates to be thereafter made in respect of such Premises, whether the Landlord be or be not liable to be rated to the Police Rate in respect thereof; and upon such Occupier so claiming, by Notice in Writing left at the Office of the Town Clerk, and actually paying or tendering at such Office the full Amount of the last-made Rate then payable in respect of such Premises, the Police Committee of the Corporation of London are hereby required to put the Name of such Occupier on the Rate for the Time being, and also, without further Claim, to put his Name upon every subsequent Rate made during the Time such Occupier continues in the Occupation of the same Premises; and in case the said Police Committee neglect or refuse so to do, such Occupier shall nevertheless, for the Purposes of this Act, be deemed to have been rated to the said Police Rate in respect of such Premises from the Period at which the Rate for the Time being in respect of which he so claimed to be rated as aforesaid was made, and thenceforth so long as he continues in the Occupation of the same Premises: Provided always, that every Person so claiming as aforesaid who is put on the List of Voters for any Ward in respect of the Premises to which his Claim relates shall in respect of every Police Rate made after such Claim as aforesaid, while he continues to occupy the same Premises, and to be on any such List in respect thereof, be liable to the same Extent and in the same Manner as if his Name had been put on such Rate.

Compositions not to be disturbed, and Landlord's Liability not to be affected.

V. Provided also, That in Cases where, by any Composition with the Landlord, a less Sum is payable than the full Amount of Rate, which, except for such Composition, would be due in respect of the same Premises, the Occupier claiming to be rated shall not be bound to pay or tender more than the Amount then payable under such Composition: Provided also, that where, by virtue of any Act of Parliament, the Landlord is liable to the Payment of the Police Rate in respect of any Premises occupied by his Tenant, nothing herein

contained shall be deemed to vary or discharge the Liability of such Landlord; but in case the Tenant who has been rated for such Premises in consequence of any such Claim as aforesaid make default in the Payment of the Police Rate payable in respect thereof, such Landlord shall be and remain liable for the Payment thereof, in the same Manner as if he alone had been rated in respect of the Premises so occupied by his Tenant.

Provision as to successive Occupation.

VI. The Premises in respect of the Occupation and Rating of which any Person shall be entitled to be put on the List of Voters for any Ward, and to vote as aforesaid, shall not be required to be the same Premises, but may be different Premises in the same Ward occupied in immediate Succession during the Period aforesaid.

In case of Titles by Descent, &c., how Occupation is to be reckoned.

VII. Where any House, Warehouse, Counting-house, Office, Chambers for Business, Shop, Wharf, or other Tenement in the City, comes to any Person by Descent, Marriage, Marriage Settlement, Devise, or Promotion to any Benefice or Office, such Person shall be entitled to reckon the Occupancy and Rating in respect of the Occupancy thereof by the Person from or by whom such House, Warehouse, Counting-house, Office, Chambers for Business, Shop, Wharf, or other Tenement so comes to him as his own Occupancy and Rating, conjointly with the Time during which he has since occupied and been rated for the same, and shall, if otherwise qualified as herein provided, be entitled to be put on the List of Voters and to vote as aforesaid in respect of such successive Occupancy and Rating, and the Rating in the Name of the Person previously occupying shall be considered a sufficient Rating of the Successor until a new Rate is made subsequent to such Devolution of Title as aforesaid.

Ward Clerks to make Lists of all Persons entitled to vote in their respective Wards.

VIII. Between the *First* and the *Fifth* Days of *October* in every Year, the Ward Clerk of every Ward within the City shall make out and sign an alphabetical List according to the Form No. 1. in the Schedule to this Act of all Persons entitled to be put on the List of Voters of that Year for such Ward, and shall deliver the same to the Town Clerk of the City (herein-after referred to simply as "the Town Clerk") on the *Sixth* or *Seventh* Day of the same Month of *October*, and shall keep a true Copy of such List, and shall permit the same to be perused by any Person, without Payment of any Fee, at all reasonable Hours between the *Seventh* and *Fifteenth* Days of the same Month of *October*, and the Town Clerk shall forthwith cause Copies to be printed of all Ward Clerks Lists delivered to him, and shall deliver a Copy of any such List to any Person requiring the same, on Payment of a Sum, not exceeding

exceeding for each Copy, and shall cause a Copy of all such Lists to be fixed in the Guildhall on every Day between the said *Seventh* and *Fifteenth* Days of the said Month.

Rate Books to be produced.

IX. In order to facilitate the making out and revising of such Ward Lists, every Person having the Custody of any Book containing the Police Rate made during the current or any preceding Year within the City shall, upon being required in Writing under the Hand of the Alderman of any Ward, or of the Lord Mayor, or of the presiding Member of any Court of Revision, produce such Book to and allow the same to be inspected by the Ward Clerk of any Ward, or at such Court.

Provision for Case of Death or Incapacity of Officer, and for the Discharge of Duties of Ward Clerk until the Appointment of such Officer.

X. In case any Officer named in this Act be dead or incapable of acting, all Matters by this Act required to be done by and with regard to such Officer shall be done by and with regard to the Person officiating as or acting for such Officer; and until the Appointment of a Ward Clerk for any Ward the Duties to be performed under this Act by the Ward Clerk shall be performed by such Person or Persons as may be appointed by the Town Clerk to discharge the same.

Notices by Persons omitted in Ward Lists, and claiming to be put thereon, and by Persons objecting to others as not entitled to be thereon.

XI. Every Person whose Name has been omitted in any such Ward List made in any Year, and who claims to have his Name inserted therein, shall, on or before the *Fifteenth* Day of *October* in such Year, give Notice thereof to the Town Clerk in Writing according to the Form No. 2. in the said Schedule, or to the like Effect; and every Person whose Name has been inserted in any such Ward List may object to any other Person as not being entitled to have his Name retained in such Ward List; and every Person so objecting shall, on or before the said *Fifteenth* Day of *October*, give to the Town Clerk Notice in Writing of the Objection according to the Form No. 3. in the said Schedule, or to the like Effect; and also give to the Person objected to, or leave at the Premises in respect whereof his Name appears to be inserted in the said Ward List, Notice in Writing of the Objection according to the Form No. 4. in the said Schedule, or to the like Effect; and the Town Clerk shall include the Names of all Persons so claiming to be inserted in the Ward List in a List according to the Form No. 5. in the said Schedule, and shall include the Names of all Persons so objected to as not entitled to be retained in the Ward List in a List according to the Form No. 6. in the said Schedule, and shall cause Copies of such several Lists to be fixed in the Guildhall during the *Eight* Days next preceding the *First* Day of *November* in the same Year; and the Town Clerk shall likewise keep a Copy of the Names of all

Lists of Claimants and Persons objected to to be made by the Town Clerk.

Persons so claiming as aforesaid, and also a Copy of the Names of all Persons so objected to as aforesaid, and shall permit the same to be perused by any Person, without Payment of any Fee, at all reasonable Hours during such *Eight* Days, Sunday excepted, and shall deliver a Copy of any such List to any Person requiring the same, on Payment of a Sum not exceeding for each Copy.

Recorder and Common Serjeant, jointly or separately, to hold Courts for Revision of Lists.

XII. The Recorder and the Common Serjeant, or One of them, shall hold an open Court, or each of them shall (simultaneously or otherwise) hold separate open Courts, within the City, for the Purpose of revising the Lists of Voters for the said Wards, between the *First* and the *Fifteenth* Days of *November* (both inclusive) in every Year, Three clear Days Notice of the holding of such Court or of each of such Courts having first been given by a Paper signed by the Town Clerk and fixed on the Guildhall; and the Town Clerk shall at the opening of every such Court produce or cause to be produced the Ward List or Lists to be revised thereat, and a Copy of the Lists of the Persons claiming and of the Persons objected to, so made out as aforesaid; and the Ward Clerk and Collectors of Police Rates of every Ward shall attend the Court by which the List of such Ward is to be revised, and shall answer upon solemn Declaration all such Questions as the Court may put to them respectively touching any Matter necessary for revising the List of Voters of such Ward; and the Court by which any such List is revised shall insert in such List the Name of every Person omitted who is proved to the Satisfaction of the Court to have given due Notice of his Claim to be inserted in such List, and to be entitled, according to the Provisions of this Act, to be inserted therein, in respect of the Qualification mentioned in such Notice; and where the Name of any Person inserted in such List of Voters has been duly objected to, and the Person objecting appears by himself, or by some One on his Behalf, in support of such Objection, and proves that he gave the Notice or Notices required by this Act, the Court shall require Proof that the Person so objected to was entitled on the *First* Day of *October* then next preceding to have his Name inserted in the List of Voters in respect of the Qualification described in such List; and in case the same be not proved to the Satisfaction of the Court the Court shall expunge the Name of such Person from the said List, and the Court shall also expunge from the said List or Lists the Name of every Person who is proved to the Court to be dead, and shall correct any Mistake or supply any Omission which is proved to the Court to have been made in any such List in respect of the Name or Place of Abode of any Person who is included therein, or in respect of the local Description of the Premises in respect whereof he

he is included in such List; and it shall be in the Discretion of such Court to award such Costs as they think reasonable to be paid by the Party making an unsuccessful Claim or Objection.

Any Person on the List of Voters may object to Claimants.

XIII. Any Person whose Name is on the List of Voters for any Ward may oppose the Claim of any Person omitted as aforesaid to have his Name inserted in such List; and such Person intending to oppose any such Claim shall at the Court to be holden as aforesaid for the Revision of such List, and before the Hearing of the said Claim, give Notice in Writing to the Court of his Intention to oppose the said Claim, and shall thereupon be admitted to oppose the same, by Evidence or otherwise.

Application may be made to Court of Queen's Bench for a Mandamus to put a Person on the Ward List.

XIV. Any Person whose Claim has been rejected or Name expunged at the Revision of any Ward List may apply before the End of the Term then next following to the Court of Queen's Bench, for a Mandamus to the Lord Mayor to insert his Name upon such Ward List; and thereupon such Court shall inquire into the Title of the Applicant to be on such List, and if the Court award such Mandamus the Lord Mayor shall be bound to insert the Name upon the Ward List, and shall add thereunto the Words "By Order of the Court of "Queen's Bench," and shall subscribe his Name to such Words; and upon every such Application the Court shall have Power to make such Order with respect to the Costs as to the Court may seem fit.

Power of Court to adjourn, and to administer Declarations, &c.

XV. Any Court holden under this Act in any Year, for the Revision of any List of Voters shall have Power to adjourn from Time to Time, so that no such adjourned Court shall be holden after the *Fifteenth* Day of *November* in such Year, and shall have Power to require any Person having the Custody of any Book containing any Police Rate made during that or any preceding Year, and affecting any Ward, to produce the same, and allow the same to be inspected at any Court to be holden for revising the Ward List thereof, and shall have Power to administer a Declaration to the Town Clerk and to the Ward Clerk, and to all Persons claiming to be inserted in or making Objection to or opposing the Retention or Insertion of any Name in any such List, and to all Persons objected to in any such List, and to all Persons claiming to have any Mistake in any such List corrected, and to all Witnesses who may be tendered or examined on either Side; and the Court shall upon the Hearing determine upon the Validity of the Claims and Objections; and the Persons or Person holding each Court shall in open Court write their or his Initials against any Part of any List in which any Mistake has been corrected, and shall sign their or his Names or Name to every Page of every List so settled.

Persons or Person holding Revision Courts to sign Ward Lists.

Lists to be kept by Town Clerk, and be in force from 1st December inclusive for One Year.

XVI. The Ward Lists, signed as aforesaid, shall be delivered to the Town Clerk, who shall keep the same, and shall cause the said Ward Lists to be printed; and each of such Ward Lists shall be the List of Persons entitled to vote as herein-before mentioned in any Election of an Alderman, Common Councilman, or Ward Officer of the Ward to which it relates, and of Auditors, which may take place between the *First* Day of *December* inclusive in the Year wherein such List has been made and the *First* Day of *December* in the succeeding Year.

Copies of Lists to be sold.

XVII. The Town Clerk shall deliver a printed Copy of any such Ward List to every Person applying for the same, on Payment of a Sum not exceeding for such Copy.

Five Common Councilmen and One Alderman to be elected in each Ward.

XVIII. There shall be elected in each Ward of the City on the *Day of* *in the Year One thousand eight hundred and fifty-* , and in every subsequent Year, Five Common Councilmen; and there shall also be elected in each such Ward One Alderman on the said *Day of* *One thousand eight hundred and fifty-* , and on the said *Day of* in any subsequent Year in which the Alderman for the Time being elected for such Ward goes out of Office by reason of the Determination by Effluxion of Time of his Term of Office.

Where and before whom periodical Elections of Aldermen and Common Councilmen to take place.

XIX. On the Day hereby appointed for the Election in any Year of an Alderman or of Common Councilmen in any Ward, the Persons entitled to vote in such Election shall meet at such Place as may be appointed from Time to Time in this Behalf by the Lord Mayor (of the Appointment of which Place such public Notice shall be given as the Lord Mayor may direct), then and there to elect such Alderman and Common Councilmen; and at such Meeting such Person as may be appointed in this Behalf by the Lord Mayor shall preside, and shall at such Meeting declare the Names of the Persons elected such Alderman and Common Councilmen by the Majority of the Votes at such Meeting.

Provision for taking the Poll at such Elections.

XX. Any Two or more of the Persons entitled to vote in such Election, and present at such Meeting, may then and there demand a Poll; and in such Case the polling shall commence at *Eight* of the Clock in the Forenoon of the Day next following the Day fixed for the Election, and shall continue during such *One Day* only, and such Poll shall not be kept open later than *Four* of the Clock in the Afternoon of such Polling Day; and the presiding Officer at such Election shall appoint a convenient Number of Clerks to take the Poll, which Clerks shall take the said Poll, and make a Declaration before

before the presiding Officer truly and indifferently to take the same, and to set down the Name of each Voter, and the Situation of the Premises occupied by him in respect of which he claims to vote, and the Name of the Person or Persons for whom he votes, and to poll no Person who does not answer any Question hereby authorized to be put to him at the Time of tendering his Vote; and it shall be lawful for the presiding Officer at any such Election to appoint such and so many Polling Places as in his Judgment are necessary, giving such public Notice of such Places as such presiding Officer may deem necessary, and shall appoint some Person to act as his Deputy at each such Polling Place.

No Inquiry of the Voter, except as to his Identity, and whether he has voted before at the same Election.

XXI. No Inquiry shall be permitted at any such Election as to the Right of any Person to vote, except only as follows; (that is to say,) the presiding Officer or his respective Deputy shall, if required by any Two Persons entitled to vote, put to any Voter at the Time of tendering his Vote, and not afterwards, the following Questions or either of them; (that is to say,)

Forms of Questions.

Are you the Person whose Name appears as *A.B.* on the List of Voters now in force for this Ward, being inserted therein as occupying and rated for Property described to be situated in [*here specify the Street, &c. as described in the List of Voters*]?

Have you already voted at the present Election?

And no Person required to answer either of the said Questions shall be permitted or qualified to vote until he have answered the same; and if any Person wilfully make a false Answer to either of the Questions aforesaid he shall be deemed guilty of a Misdemeanor, and may be indicted and punished accordingly.

When the Poll is to be declared.

XXII. After the Poll is finished, the Poll Books shall be sealed up by the presiding Officer, or his Deputy, (as the Case may require,) and shall within *Two* Days thereafter be publicly opened at the Place of Election, and be duly and truly cast up, and within *Two* Days after such casting up the Numbers of the Votes for each Candidate shall be truly, fairly, and publicly declared to the Electors at the Place of Election by the presiding Officer.

Existing Aldermen and Common Councilmen to go out of Office.

XXIII. On the *Day of* *in the Year* *One thousand eight hundred and fifty* , all Aldermen and Common Councilmen of the City, other than such Persons as have been elected such Aldermen and Common Councilmen at the First Elections for the several Wards of the City under this Act, shall cease to be such Aldermen and Common Councilmen, and their

Duties and Powers shall be determined, but the Lord Mayor of the City shall continue to hold his Office, and to have and exercise all his Duties and Powers as Lord Mayor, until such Time as he would have gone out of Office if this Act had not been passed.

Manner of proceeding if a Person be elected an Alderman or Common Councilman in more than One Ward.

XXIV. If at any Election under this Act any Person be elected an Alderman or Common Councilman in more than One Ward, or be elected an Alderman in One or more Wards and a Common Councilman in any other Ward or Wards, he shall, within *Three* Days after the Declaration of such Election, or if by reason of a Poll the Result of the Election be not declared in every such Ward on the same Day, then within *Three* Days after the Declaration of the Election in the Ward in which the Result of the Election shall be last declared, notify in Writing under his Hand to the Lord Mayor for which of the Wards for which he is so elected he chooses to serve as such Alderman or Common Councilman, and in default of his so doing the Lord Mayor shall in Writing under his Hand declare for which of the Wards for which such Person is so elected he shall serve as such Alderman or Common Councilman, and such Person shall be deemed to be elected such Alderman or Common Councilman for the Ward for which he so notifies his Choice to serve, or for which the Lord Mayor so declares he is to serve, and some other Person or Persons shall forthwith be elected in his Place in the other Ward or Wards for which he was elected.

Term of Office of Common Councilmen and Aldermen.

XXV. The Common Councilmen elected as aforesaid in any Year shall go out of Office on the *Day of* in the Year next following; and upon the *Day of* *in the Year One thousand eight hundred and fifty-* , and in every *Third* succeeding Year, *One Half* of the whole Number of Aldermen to be elected under this Act shall go out of Office; and the Aldermen first elected under this Act shall determine by Lot among themselves which of them shall constitute the *Half* to go out of Office in the *Year One thousand eight hundred and fifty-* , and thereafter the Aldermen to go out of Office shall always be those who have been longest in Office as Aldermen without Re-election.

Election of Lord Mayor.

XXVI. After the *Day of* *One thousand eight hundred and fifty-* the Lord Mayor of the City shall be elected by the Common Council.

Lord Mayor and Aldermen to be Justices.

XXVII. The Lord Mayor shall be a Justice of the Peace of and for the City while he continues Lord Mayor, and for *One Year* after he ceases to be Lord Mayor, unless disqualified as herein provided; and

and every Alderman elected under this Act shall be a Justice of the Peace of and for the City while he continues Alderman; and every Lord Mayor and Alderman for the Time being shall, as such Justice of the Peace, have and exercise all such Jurisdiction, Powers, and Authorities as are now vested in the Lord Mayor and any such Alderman respectively as such Justice, save as otherwise provided by this Act.

Three Auditors to be elected annually.

XXVIII. On the *Day of* *in the Year One thousand eight hundred and fifty-* , and in every succeeding Year, the Persons entitled to vote in such Election under this Act shall elect, by a Majority of Votes, *Three* Auditors, and such Auditors shall continue in Office until the *Day of* in the Year following their Election: Provided always, that no Person shall vote for more than One Person to be Auditor, and that no Person shall be capable of being elected Auditor who is in the Common Council, or Town Clerk or Chamberlain of the City, and that no Person who is such Auditor shall be capable of being elected a Member of the Common Council.

Provisions as to Ward Elections to apply to Election of Auditors.

XXIX. The Provisions herein-before contained with regard to the Mode of Election of Aldermen and Common Councilmen, and the Appointment of the Place of Election, and of a Person to preside at each such Election, and the demanding and taking a Poll, and generally in relation thereto, shall apply to and in the Case of the Election of Auditors, with such Variation as the different Nature of the Election may require.

Persons vacating Office may be re-elected.

XXX. Any Lord Mayor, Alderman, Common Councilman, or Auditor, going out of Office, shall, if qualified, be capable of immediate Re-election.

Casual Vacancies.

XXXI. When any Alderman, Common Councilman, or Auditor elected under this Act ceases to be such Alderman, Common Councilman, or Auditor otherwise than by the Expiration by Effluxion of Time of his Term of Office, some other Person shall with all convenient Speed be elected in his Place; and every Alderman, Common Councilman, and Auditor elected to supply any such Vacancy as aforesaid shall go out of Office when the Term of Office of the Alderman, Common Councilman, or Auditor in whose Place he is elected would have expired by Effluxion of Time.

Lord Mayor to appoint Time and Place of

XXXII. The Lord Mayor shall, in every Case where the Time or Place of any Election directed under this Act is not appointed in this Act, appoint the Time or Place of such Election, and shall

Election where not appointed in the Act.

cause such public Notice to be given of the Time and Place so appointed as he may deem necessary; and such Election shall be holden, and the Voting and Proceedings thereat shall be conducted, and in case a Poll be demanded as herein-before mentioned such Poll shall be taken on the Day next following, in manner herein provided with respect to the Elections on the Days fixed by this Act.

Who are not qualified to be chosen Lord Mayor, Aldermen, Common Councilmen, or Auditors.

XXXIII. No Person, being in Holy Orders, or being the regular Minister of any Dissenting Congregation, shall be elected or be Lord Mayor, or an Alderman, Common Councilman, or Auditor of the City; and no Person shall be elected or be such Lord Mayor, Alderman, Common Councilman, or Auditor, unless he be on the List of Voters for some Ward in the City, and be seised or possessed of Real or Personal Estate, or both, to the Amount of *One thousand Pounds*, or be rated to the Police Rate of the City upon the annual Value of not less than *Thirty Pounds;* and no Person shall be elected or be such Lord Mayor, Alderman, Common Councilman, or Auditor, during such Time as he holds any Office or Place of Profit (other than that of Lord Mayor or Sheriff) in the Gift or Disposal of the Corporation of the City, or during such Time as he or his Partner has directly or indirectly any Share or Interest in any Contract or Employment by, with, or on behalf of the said Corporation: Provided always, that no Person, being a Shareholder of any Joint Stock Company, shall be disqualified from being Lord Mayor or an Alderman, Common Councilman or Auditor as aforesaid, by reason of any Contract with or Employment of such Company by or on behalf of the said Corporation; and the Word "Contract" in this Enactment shall not extend to any Lease, Sale, or Purchase of Lands, Tenements, or Hereditaments, or to any Agreement for any such Lease, Sale, or Purchase, or for the Loan of Money, or to any Security for the Payment of Money only; but no such Lord Mayor, Alderman, or Common Councilman shall, as a Member of the Common Council, vote upon any Question in which such Company is interested, or vote on or take part in the Discussion of any Matter in which he has directly or indirectly, by himself or his Partner, any pecuniary Interest; and any Person not disqualified by this Act from being elected such Lord Mayor, Alderman, Common Councilman, or Auditor, shall be capable of being so elected.

Qualification of Sheriffs.

XXXIV. Any Alderman or Common Councilman, and any Person who under this Act might be elected to be an Alderman or Common Councilman of the City, shall be capable of being elected to be a Sheriff thereof.

XXXV. No

XXXV. No Person elected Lord Mayor, Sheriff, Alderman, Common Councilman, or Auditor for the City shall be capable of acting as such until he has made and subscribed before Two or more of such Aldermen or Common Councilman (who are hereby respectively authorized and required to administer the same to each other) a Declaration in the Words or to the Effect following; (that is to say,)

Lord Mayor, Sheriffs, Aldermen, Common Councilmen, and Auditors not to act until they have made a Declaration of Acceptance of Office, and, where qualified by Estate, of such Qualification.

'I *A.B.*, having been elected Lord Mayor [*or* Sheriff, Alderman, 'Common Councilman, *or* Auditor] for the City of London, do 'hereby declare, That I take the said Office upon myself, and will 'duly and faithfully fulfil the Duties thereof, according to the best 'of my Judgment and Ability [*and in case the Party be qualified by 'Estate, say*, and I do hereby declare that I am seised or possessed 'of Real *or* Personal Estate (*or both, as the Case may be,*) to the 'Amount of One thousand Pounds over and above what will satisfy 'all my Debts].'

Which Declaration shall be sent to and filed in the Town Clerk's Office.

XXXVI. Every Person, duly qualified, who is elected to the Office of Lord Mayor, Sheriff, Alderman, Common Councilman, or Auditor of or for the City, shall accept such Office or shall pay to the Corporation such Fine, not exceeding, in the Case of Lord Mayor or Sheriff, *One hundred Pounds*, and in other Cases *Fifty Pounds*, as the Common Council by a Byelaw to be made by them in this Behalf shall direct; and such Fine, if not duly paid, shall be levied by the Warrant of any Justice having Jurisdiction within the City, (who is hereby required, on the Application of the Common Council, to issue the same,) by Distress and Sale of the Goods and Chattels of the Person so refusing to accept Office, with the reasonable Charges of such Distress; and every such Person so elected shall accept such Office by making and subscribing the Declaration herein-before mentioned within *Five* Days after Notice of his Election, otherwise such Person shall be liable to pay the said Fine as for his Non-acceptance of such Office, and such Office shall thereupon be deemed to be vacant, and shall be filled up by a fresh Election to be made in the Manner herein-before mentioned: Provided always, that no Person disabled by Lunacy or Imbecility of Mind, or by Deafness, Blindness, or other permanent Infirmity of Body shall be liable to such Fine as aforesaid; provided also, that every Person so elected to any such Office who is above the Age of *Sixty-five* Years, or who has already served the same Office, or paid the Fine for not accepting such Office, within *Five* Years from the Day on which he is so elected, shall be exempted from accepting or serving the same Office if he

Every Person not accepting Office to pay a Fine.

claim such Exemption within *Five* Days after Notice of his Election: Provided also, that nothing in this Act contained shall extend to compel the Acceptance of any Office by any Military, Naval, or Marine Officer in Her Majesty's Service on Full Pay, or by any Officer or other Person employed and residing within any of Her Majesty's Dockyards, Victualling Establishments, Arsenals or Barracks.

Disqualification of Lord Mayor, Aldermen, and Common Councilmen.

XXXVII. If any Person holding the Office of Lord Mayor, Alderman, or Common Councilman for the City declare himself or be declared bankrupt or insolvent, or take or apply to take the Benefit of or become subject to any Act for the Relief of Insolvent Debtors, or make any Composition with his Creditors, or altogether absent himself from his Duty for the Period herein-after mentioned, (that is to say,) for *Two* Months consecutively in the Case of the Lord Mayor, or for *Six* Months consecutively in the Case of an Alderman or Common Councilman, unless prevented by Illness or other reasonable Cause, then and in every or any such Case such Person shall thereupon immediately become disqualified, and shall cease to hold the Office of Lord Mayor, Alderman, or Common Councilman, as the Case may be, and the Common Council shall thereupon forthwith adjudge the said Office vacant; but any Person becoming disqualified and ceasing to hold such Office by reason of having made any Composition with his Creditors shall, on Payment of his Debts in full, be capable (if otherwise qualified) of being re-elected to such Office; and any Act done by any such Lord Mayor, Alderman, or Common Councilman so becoming disqualified as aforesaid, previously to his Office being adjudged vacant as aforesaid, shall have the same Force and Validity as if such Lord Mayor, Alderman, or Common Councilman had not been disqualified; and any Event or Act which under this Enactment would disqualify any Person from continuing to hold the Office of Lord Mayor, Alderman, or Common Councilman shall disqualify any Person who has held the Office of Lord Mayor, from continuing a Justice of the Peace under this Act after such Event or Act.

Penalty on Persons acting who are disqualified.

XXXVIII. Any Person who acts as Lord Mayor, or an Alderman, Common Councilman, or Auditor of the City, without having made the Declaration herein-before required, or without being duly qualified at the Time of making such Declaration, or after he ceases to be qualified, or after he has become disqualified to hold such Office, or who acts as a Justice of the Peace being disqualified by this Act, or who, being a Shareholder of any Joint Stock Company, votes as a Member of the Common Council upon any Question in which such Company is interested, or who votes on or takes part in the Discussion

Discussion of any Matter in which he has, directly or indirectly, by himself or his Partner, any pecuniary Interest, shall for every such Offence be liable to a Penalty of *Fifty Pounds*, which may be recovered, with full Costs of Suit, by any Person who may sue for the same, within *Three* Months after the Commission of the Offence, in any of Her Majesty's Superior Courts of Record: Provided always, that all Acts and Proceedings of any Person who is disqualified or is disabled from acting or voting as aforesaid shall, if done previously to the Recovery of such Penalty, be valid and effectual to all Intents and Purposes.

Penalty on Ward Clerks and Town Clerks for Neglect to comply with the Provisions of the Act.

XXXIX. If any Ward Clerk of any Ward within the City neglect or refuse to make out, sign, and deliver any such List as is herein-before directed to be made out, signed, and delivered by him, or if the Town Clerk neglect or refuse to receive, print, and publish any such List as herein directed, such Ward Clerk or Town Clerk respectively for every such Offence shall forfeit and pay the Sum of *Fifty Pounds;* and any such Penalty may be recovered, with full Costs of Suit, by any Person who will sue for the same, within *Three* Months after the Commission of such Offence, in any of Her Majesty's Superior Courts of Record.

Accounts of Receipts and Disbursements to be kept, audited, and published.

XL. The Accounts of the Chamberlain and Bridge Masters shall at all seasonable Times be open to the Inspection of any of the Aldermen or Common Councilmen of the City, and such Accounts, with all Vouchers and Papers relating thereto, shall in the Months of *March* and *September* in every Year, be submitted to the Auditors herein-before directed to be elected, and to such Member of the Common Council as the Lord Mayor shall name, on the *First* Day of *March* in every Year, or, in case of extraordinary Vacancy, within *Ten* Days next after such Vacancy, for the Purpose of being examined and audited, from the *First* Day of *September* in the Year preceding to the *First* Day of *March*, and from the *First* Day of *March* to the *First* Day of *September* in the Year in which the said Auditors were elected and named; and if the said Accounts be found to be correct, the Auditors shall sign the same; and after such Accounts have been so examined and audited in the Month of *September* in every Year, the Chamberlain and Bridge Masters shall respectively make out in Writing, and cause to be printed, a full Abstract of his and their Accounts for the Year, and a Copy thereof shall be open to the Inspection of all the Ratepayers of the City, and Copies thereof shall be delivered to all Ratepayers of the City applying for the same, on Payment of a reasonable Price for each Copy.

Accounts to be transmitted to Secretary of State, and Abstract laid before Parliament.

XLI. The Common Council shall, before the *First* Day of *March* in every Year, transmit to One of Her Majesty's Principal Secretaries of State a Statement of all Monies received and expended on account of the Corporation within the Year preceding, which Statement shall be prepared in such Form and Manner as the Secretary of State shall direct, and such Statement shall be made up to the last preceding Period of Audit, and an Abstract of such Statement under general Heads shall be laid before both Houses of Parliament during their sitting in the same Year in which such Statement is required to be transmitted as aforesaid.

Power of Sale and Leasing restrained.

XLII. It shall not be lawful for the Common Council to sell, mortgage, or alienate the Lands, Tenements, or Hereditaments of the Corporation, or any Part thereof, except in pursuance of some Covenant, Contract, or Agreement bonâ fide made or entered into on or before the Day of , by or on behalf of the Corporation, or of some Resolution duly entered in the Books of the Corporation on or before the said Day of , or to demise or lease, except in pursuance of some Covenant, Contract, or Agreement bonâ fide made or entered into on or before the said Day of , by or on the Behalf of the Corporation, or in pursuance of some Resolutions duly entered in the Books of the Corporation on or before the said Day of , or, except in the Cases herein-after mentioned, any Lands, Tenements, or Hereditaments of the Corporation or any Part thereof, or to enter into any new Covenant, Contract, or Agreement (except in the Cases herein-after mentioned) for demising or leasing any such Lands, Tenements, or Hereditaments, or any Part thereof, for any Term exceeding *Thirty-one* Years from the Time when such Lease is made, or, if made in pursuance of a previous Agreement, then from the Time when such Agreement was entered into; and in every Lease which the Common Council are not hereby restrained from making there shall (except in Cases herein-after mentioned) be reserved and made payable during the whole of the Term thereby granted such clear yearly Rent as to the Common Council appears reasonable, without taking any Fine for the same: Provided nevertheless, that in every Case in which the Common Council deem it expedient to demise and lease for a longer Term than *Thirty-one* Years, or upon different Terms and Conditions than those herein-before mentioned, or to sell, exchange, mortgage, charge, or otherwise dispose of any of the said Lands, Tenements, or Hereditaments, it shall be lawful for the Common Council to represent the Circumstances of the Case to the Commissioners of Her Majesty's Treasury; and it shall be lawful for the Common Council, with the Approbation of the said Commissioners,

sioners, to demise any of the Lands, Tenements, and Hereditaments of the Corporation in such Manner and on such Terms and Conditions as may be approved by the said Commissioners, or to make such Sale, Exchange, Charge, or other Disposition of such Lands, Tenements, or Hereditaments as may be so approved: Provided always, that Notice of the Intention of the Common Council to make such Application as aforesaid shall be fixed on the outer Door of the Guildhall, or in some public and conspicuous Place within the City, *One Month* at least before such Application; and a Copy of the Memorial intended to be sent to the said Commissioners shall be kept in the Town Clerk's Office during such Month, and shall be freely open to the Inspection of every Ratepayer in the City at all reasonable Hours during the same.

Power to renew Leases, &c.

XLIII. Provided always, That in all Cases in which the Corporation shall on the Day of have been bound or engaged by any Covenant or Agreement, express or implied, or have been enjoined by any Deed, Will, or other Document, or have been sanctioned or warranted by ancient Usage or by Custom or Practice, to make any Renewal of any Lease for Years, or for Life or Lives, or for Years determinable with any Life or Lives at any fixed or determinate or known or accustomed Period, or after the Lapse of any Number of Years, or on the dropping of any Life or Lives, and Years determinable after the Lapse of any Number of Years, at a Fine certain, or under any special or specific Terms or Conditions, and also in all Cases in which the Corporation shall theretofore have ordinarily made Renewal of any Lease for Years, or for Life or Lives, or for Years determinable with any Life or Lives at any fixed or determinate or known or accustomed Period, or after the Lapse of any Number of Years, or upon the dropping of any Life or Lives, upon the Payment of an arbitrary Fine, it shall be lawful for the Common Council to renew such Lease for such Term or Number of Years, either absolutely or determinable with any Life or Lives, or for such Life or Lives, and at such Rent, and upon the Payment of such Fine or Premium, either certain or arbitrary, and with or without any Covenant for the future Renewal thereof, as the Corporation could or might have done in case this Act had not been passed.

Leases of certain Buildings, and of Ground for building on, or for making Gardens, &c., may be made for

XLIV. Provided nevertheless, That in any of the Instances hereinafter mentioned it shall be lawful for the Common Council from Time to Time to demise and lease, or to enter into any Contract or Agreement for demising and leasing, any of the said Lands, Tenements, or Hereditaments, to any Person, Body Politic, Corporate, or Collegiate, for any Term not exceeding *Seventy-five* Years from the Time of making such Lease or Agreement, and either at a reserved

Seventy-five Years.

Rent or Fine, or both, (that is to say,) of Tenements or Hereditaments the greater Part of the yearly Value of which shall at the Time of making the Lease or Agreement consist of any Building or Buildings, of Land or Ground proper for the Erection of any Houses or other Buildings thereupon, with or without Gardens, Yards, Curtilages, or other Appurtenances to be used therewith, and, where the Lessee or intended Lessee shall covenant or agree to erect a Building or Buildings thereon of greater yearly Value than such Land or Ground, of Land or Ground proper for Gardens, Yards, Curtilages, or other Appurtenances to be used with any other House or other Building erected or to be erected on any such Ground, belonging either to the Corporation or to any other Proprietor, or proper for any other Purpose calculated to afford Convenience or Accommodation to the Occupiers of any such House or Building.

Common Hall Elections transferred to Common Council.

XLV. After the *Day of* *One thousand eight hundred and fifty-* no Election shall take place at any Meeting or Assembly of the Mayor, Aldermen, and Liverymen of the several Companies of the City in Common Hall assembled; and all Elections for Sheriffs, Chamberlains, and Bridge Masters, and all other Elections which now take place in Common Hall as aforesaid, shall after the said *Day of* *One thousand eight hundred and fifty* be made by the Common Council.

Court of Aldermen abolished, and their Functions vested in Common Council.

XLVI. From and after the *Day of* *One thousand eight hundred and fifty-* the Court of Mayor and Aldermen of the City in the Inner Chamber shall be abolished, and all Powers and Duties of such Court shall, save as herein otherwise provided, be vested in the Common Council.

Powers now vested in the Court of Aldermen in respect of Prisons to be exercised by the Aldermen as Magistrates in Sessions.

XLVII. Section Thirteen of the Act of the Fourth Year of King George the Fourth, Chapter Sixty-four, and all other Provisions of the said Act vesting Authorities in respect of Prisons in the Court of Mayor and Aldermen of the City of London, shall be repealed, and all the Powers and Authorities given by the said Act to Justices of the Peace in General or Quarter Sessions assembled in the several Counties, and all other Acts to be done and performed by Justices of the Peace at any Sessions in pursuance of that Act, shall be exercised and performed, so far as regards the Prisons of the City, by the said Mayor and Aldermen as Magistrates at the General or Quarter Sessions of the Peace to be holden in and for the City; and all other Powers, Authorities, and Acts vested in or to be done and performed by the said Court of Mayor and Aldermen in relation to Prisons shall be exercised and performed by the said Mayor and Aldermen as Magistrates at such General or Quarter Sessions.

XLVIII. Any

Exclusive Rights of Trading in the City abolished.

XLVIII. Any Person whosoever may keep any Shop for the Sale of Wares and Merchandises, by Wholesale or Retail, and use every lawful Trade, Occupation, Mystery, and Handicraft, for Hire, Gain, Sale, or otherwise, in the City, whether he be or be not free of the City.

All Coal Duty payable to the Corporation which does not expire on 5th July 1862 to be applied to pay off the Monies charged thereon, and to provide a Sinking Fund for that Purpose.

XLIX. All Sums to be received by the Corporation in respect of the Duty on Coals brought into or near London, now payable or hereafter to become payable to the Corporation, by Act of Parliament, Charter, Prescription, or otherwise, (except the Two several Duties of Eight-pence per Ton and One Penny per Ton which will, under the Acts now in force, cease to be payable on or before the Fifth Day of July One thousand eight hundred and sixty-two,) shall be applied by the Corporation in or towards Payment of the Interest of the Monies which were on the *First Day of January One thousand eight hundred and fifty-six* Charges on such Duty, or on the Sums to be received in respect thereof, and also in or towards Payment of such Part of the Principal of the said Monies as the Sums so received will suffice to pay, and as the Corporation may be able to pay off, consistently with the Terms on which such Monies were advanced; and the Residue (if any) of all Sums to be received as aforesaid in respect of the said Duty (the Amount of such Residue to be ascertained on the Audit of the Accounts of the Chamberlain of the City in September in each Year) shall be invested in some of the Government Stocks, Funds, or Securities, in the Names of the Chamberlain, Town Clerk, and Comptroller of the Chamber of the City for the Time being; and the Interest or Dividends accruing on such Stocks, Funds, or Annuities, and on all Accumulations thereof, shall be yearly invested in like Manner so as to accumulate at Compound Interest until the same can be applied as herein provided for the Discharge of the said Monies charged on the said Duty as aforesaid; and such Part of the said Investments as the Common Council may from Time to Time require to be converted into Money for the Purpose of paying off all or any Part of the said Monies charged as aforesaid on the said Duty shall be so converted, and the Money arising from such Conversion shall be applied accordingly until the whole of the said Monies charged as aforesaid have been discharged; and the Surplus (if any) of the said Stocks, Funds, and Securities which may remain after answering the Purposes aforesaid shall be converted into Money, and the Proceeds applied as herein-after provided.

Chamberlain to keep separate Accounts of the said Duty, which shall

L. The Chamberlain of the City shall keep separate Accounts of the Sums received in respect of the said Duty, and of the Application thereof, and of the Application of the Interest or Dividends arising from such Stocks, Funds, or Securities as aforesaid, and of the Monies

be laid before Parliament.

arising from any Disposition thereof; and the Chamberlain shall, on or before the First Day of March in every Year, lay before both Houses of Parliament a Copy of such Account, made up to the last preceding Period of Audit.

Coal Duty to cease when existing Charges have been paid, and any Surplus to be carried to Consolidated Fund.

LI. As soon as it appears to the Commissioners of Her Majesty's Treasury that all Monies charged as aforesaid on the said Duty have been or might be discharged by the Means aforesaid, such Commissioners shall, in Writing under their Hands, certify that it so appears to them, and declare that the said Duty shall cease to be payable from such Day as the said Commissioners may see fit to appoint in this Behalf; and the said Commissioners shall cause such Certificate and Declaration to be published in the London Gazette, and from the Day so appointed by the said Commissioners the said Duty shall cease to be payable; and any Surplus of the said Duty received by or on behalf of the Corporation before the Cesser thereof, and of the Monies (if any) to arise by the Conversion of the said Stocks, Funds, and Securities which may remain after the Discharge of all the said Monies charged as aforesaid on the said Duty, shall be paid into the Receipt of the Exchequer, and be carried to and form Part of the Consolidated Fund.

Rights in respect of Coal Metage not to revive on Cesser of Coal Duty.

LII. No Right of the Lord Mayor of the City or of the said Corporation of weighing and measuring Coals, or of demanding or taking any Metage or other Duties or Sums in respect of the weighing or measuring of Coals, and no Right to receive or take Water Baillage and Groundage in respect of Coals brought into the Port of London and the Ships in which they are imported, or Sums for Permits for registering Certificates, shall revive or be resumed by the said Lord Mayor or Corporotion by reason of the Cesser of any Duty on Coals now payable.

The Right of Metage and the exclusive Right of Porterage abolished.

LIII. All such Right of Metage of any Grain, Fruit, Wares, or Merchandise as the Corporation is entitled to by Custom, Charter, or otherwise, and all exclusive Right of Porterage of any Grain, Fruit, Wares, or Merchandise, which any Porters of the City have or claim under any such Custom or Charter or otherwise, shall cease.

Enactments respecting the Admission of Brokers by the Court of Aldermen repealed.

LIV. So much of the Act of the Sixth Year of Queen Anne, Chapter Sixteen, and of the Act of the Fifty-seventh Year of King George the Third (Local and Personal), Chapter Sixty, or of any other Act or Acts of Parliament, as prohibits Persons from acting as Brokers within the City without being admitted so to do by the said Court of Mayor and Aldermen, or as makes any annual or other Sum payable to the Chamberlain of the City, or to the Use of the Corporation,

poration, by Persons acting as Brokers in the City, shall be repealed, and all Bonds and other Securities which have been taken for securing Payment of such annual or other Sums shall be void.

Street Tolls abolished.

LV. No Tolls shall hereafter be payable to or to the Use of the Corporation on any Carts, Waggons, or other Carriages laden or otherwise, entering or leaving the City, or passing through or over the Streets or Ways of the City.

Restriction on Grant of Markets within Seven Miles of the City repealed.

LVI. So much of any Charter of or Grant to the City as prevents or interferes with the Grant by the Crown of any Market to be holden within Seven Miles of the City shall be repealed: Provided always, that this Enactment shall not affect any Provision of "The "Metropolitan Market Act, 1851."

Jurisdiction of Mayor and Aldermen of the City as Justices for Southwark abolished.

LVII. All Jurisdiction, Power, and Authority of the Corporation or Common Council of the City over the Borough of Southwark or any Part thereof, and all Jurisdiction, Power, and Authority of the Mayor, or any of the Aldermen of the City, as Justices of the Peace in or for the Borough of Southwark or any Part thereof, shall cease from and after the Day of and the Justices of the Peace for the County of Surrey shall have the like Jurisdiction, Power, and Authority within and for the Borough of Southwark as within and for other Parts of the said County within the Metropolitan Police District.

Coroner for the City to cease to act for Southwark.

LVIII. From and after the Day of no Coroner for the City, or other Coroner elected by the Common Council, shall take any Inquisition which belongs to the Office of Coroner within the Borough of Southwark, but the same shall be within the Jurisdiction of the Coroner for the County of Surrey as other Parts of the same County: Provided nevertheless, that this Enactment shall not take effect so long as the Person who holds the Office of Coroner for the City of London at the Time of the passing of this Act continues to be such Coroner.

Office of High Bailiff of Southwark abolished.

LIX. The Office of High Bailiff of the Borough of Southwark shall be abolished from and after the Time when the Person who now holds such Office shall cease to hold the same, but such Person shall not be deemed to cease to hold such Office so long as he continues to be re-elected thereto.

Upon there ceasing to be a High Bailiff for the Borough of Southwark, a Returning Officer to be

LX. When there ceases to be a High Bailiff for the said Borough, the Sheriff of the County of Surrey shall forthwith and from Time to Time thereafter appoint a Person to be Returning Officer at Elections of Members to serve in Parliament for such Borough, as in Cases of those Boroughs in which Sheriffs are by Law required to appoint such Returning

appointed by the Sheriff, and High Bailiff to be appointed for the Southwark County Court.

Returning Officers: The Judge of the Court holden for Southwark under the Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter Ninety-five, shall from Time to Time appoint, by Order of Court, One or more High Bailiffs for such Court, and may, in case of Inability or Misbehaviour, by like Order remove any such Bailiffs.

Police Courts to be established in the City, and the City to be within the Metropolitan Police District for the Purposes of the Police Courts Acts.

LXI. It shall be lawful for Her Majesty, with the Advice of Her Privy Council, from Time to Time to establish a Police Court or Courts in the City, and to constitute and assign to such Court or Courts a Police Court Division or Divisions, in like Manner as if the City formed Part of the Metropolitan Police District, and any such Division may be formed either wholly out of the City, or partly out of the City and partly out of the Metropolitan Police District, and any Part or Parts of the City may be comprised in any Police Court Division assigned or to be assigned to any Police Court or Courts already or to be hereafter established in any Part of the Metropolitan Police District; and from and after such Day as shall be appointed in this Behalf by any Order of Her Majesty in Council, to be published in the London Gazette, the City shall for all the Purposes of the Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Seventy-one "for regulating the Police Courts in the Metropolis," and of the Session holden in the Third and Fourth Years of Her Majesty, Chapter Eighty-four, "for better defining the Powers of Justices within the Metropolitan Police District," be deemed to be within and to form Part of the Metropolitan Police District; and every Magistrate of the Police Courts of the Metropolis shall be a Justice of the Peace for the City of London, but shall not be competent to act as such Justice, either alone or with any other Justice or Justices, in anything which is to be done at a Special or Petty Session of all the Justices acting in the Division, or by the Justices of the City of London in General or Quarter Sessions assembled; and the Provision contained in Section Forty-two of the said Act of the Second and Third Years of Her Majesty, for preventing any Justice of the Peace, not being One of the said Magistrates, and the Clerk of any such Justice, or any Person on his Behalf, from taking any Fee or Recompence for any Act by him respectively done as such Justice or Clerk, shall apply to any Justice of the Peace for the City, not being one of the said Magistrates, and the Clerk to any such Justice; and Section Fifty of the same Act authorizing in any such Case as therein mentioned an Appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be holden for the County wherein the Cause of Complaint shall have arisen shall, where the Cause of Complaint shall have arisen in the City, extend to authorize in the like Case an Appeal to the Justices of the Peace at the

2 & 3 Vict. c. 71.

3 & 4 Vict. c. 84.

the next General or Quarter Sessions of the Peace to be holden for the City, and for the Purpose of any such Appeal the Expression Treasurer of the County contained in the said Section shall apply to the Chamberlain of the City.

Saving for certain Penalties and Fines.

LXII. Provided always, That nothing herein contained shall alter the Appropriation or Application of any Fines, Penalties, or Forfeitures which under the Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Ninety-four (Local), "for regulating "the Police in the City of London," are required to be paid to the Chamberlain of the City, to be applied for the Purposes of such Act, or the Application of any Fines now applicable towards "The City Police Superannuation Fund."

City Police Constables to attend the Magistrates.

LXIII. The Commissioner of the Police Force of the City shall take care that a sufficient Number of Constables belonging to the City Police Force shall be in attendance upon every Magistrate sitting at any Police Court within the City, under the Provisions of the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, as extended by this Act.

Repeal of Enactment constituting Lord Mayor and Aldermen Judges of Central Criminal Court.

LXIV. The Act of the Session holden in the Fourth and Fifth Years of King William the Fourth, Chapter Thirty-six, so far as the same enacts that the Lord Mayor for the Time being of the City of London and the Aldermen of the City of London shall be the Judges of the Central Criminal Court, shall be repealed, and the said Act, and all Acts amending the same or having Reference thereto, shall be construed as if the said Lord Mayor and Aldermen had not been enumerated among the Persons who should be Judges of the said Court.

Hustings Court abolished.

Mayor's Court to have the Jurisdiction of abolished Court.

LXV. And whereas there exist in the City certain Courts of Law called or known respectively by the Names of "The Hustings Court," "The Lord Mayor's Court," "The Sheriffs Court of the Poultry Compter, London," and "The Sheriffs Court of the Giltspur Street Compter, London;" and it is expedient that the said Court of Hustings should be abolished, and all the Jurisdiction of such Court transferred to the said Lord Mayor's Court, and that certain Jurisdiction of the said Sheriffs Courts should be abolished: The said Court of Hustings shall be abolished, and all the Powers and Authorities now belonging to such Court shall become vested in the said Lord Mayor's Court, and all Proceedings pending at the Time of the Commencement of this Act in the said Court of Hustings shall stand transferred to the said Lord Mayor's Court, and all the Proceedings so transferred and hereafter to be commenced

in the said Lord Mayor's Court under the Authority of this Act shall be dealt with in the said Lord Mayor's Court, and decided according to the Practice of that Court.

Records of Court of Hustings to be placed in Custody of Town Clerk.

LXVI. The Records, Muniments, and Writings of the said Court of Hustings shall with all convenient Speed be placed under the Charge and Superintendence of the Town Clerk of the City.

Jurisdiction of Sheriffs Courts abolished, except as to Proceedings under the City Small Debts Act, 15 Vict. c. lxvii.

LXVII. All the Jurisdiction, Powers, and Authorities of the said Sheriffs Court of the Poultry Compter and of the said Sheriffs Court of the Giltspur Street Compter, in regard to Actions of Debt and other personal Actions, except such Pleas of personal Actions as are commenced under and are regulated by the Provisions of the Act (Local and Personal) of the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Seventy-seven, "for the more "easy Recovery of Small Debts and Demands within the City of "London and the Liberties thereof," or any Act amending the same, shall cease and determine: Provided always, that nothing in this Enactment shall affect any Proceeding under any Writ of Inquiry or Writ of Trial directed to the Sheriffs of London under the Act of the Session holden in the Third and Fourth Years of King William the Fourth, Chapter Forty-two.

Recorder sole Judge of Lord Mayor's Court, but Common Serjeant may act in certain Cases.

LXVIII. The Recorder of the City shall be the sole Judge of the said Lord Mayor's Court: Provided always, that the Common Serjeant of the City may act as Judge of such Court instead of the Recorder, whenever the Recorder is absent from such Court, and when the Office of Recorder is vacant.

No Commission of Error to issue.

LXIX. No Commission of Error shall issue out of Chancery to review any Judgment or Proceeding of or in the said Lord Mayor's Court.

Appeal from Mayor's Court to Superior Courts at Westminster.

LXX. If either Party appearing on the Trial of any Cause in the said Lord Mayor's Court be dissatisfied with the Determination or Direction of the said Lord Mayor's Court in point of Law, or upon the Admission or Rejection of any Evidence, such Party may appeal from the same to any of the Courts of Common Law at Westminster, provided that such Party do, within *Ten* Days after such Determination or Direction, give Notice of Appeal to the other Party or his Attorney, and also give Security, to be approved of by the Registrar of the said Lord Mayor's Court, for the Costs of the Appeal, whatever be the Event of the Appeal, and for the Amount of the Judgment, if he be the Defendant and the Appeal be dismissed; provided nevertheless, that such Security, so far as regards the Amount of

of the Judgment, shall not be required in any Case where the Judge of such Court has ordered the Party appealing to pay the Amount of such Judgment into the Hands of the Registrar, and the same has been paid accordingly; and such Appeal shall be heard and determined in Term by the Judges of the Court to which the Appeal is brought, as Part of the ordinary Business of such Court, or out of Term by any Two of such Judges sitting as a Court of Appeal for that Purpose; and the Court of Appeal may either order a new Trial, on such Terms as it shall think fit, or may order Judgment to be entered for either Party, as the Case may be, and may make such Order with respect to the Costs of the said Appeal as such Court may think proper; and such Orders shall be final.

Appeal to be in Form of Case.

LXXI. Such Appeal shall be in the Form of a Case agreed on by both Parties or their Attornies; and if they cannot agree, the Judge of the said Lord Mayor's Court, upon being applied to by them or their Attornies, shall settle the Case, and sign it; and such Case shall be transmitted by the Appellant to the Rule Department of the Masters Office of the Court to which the Appeal is brought.

Power to Judges of Superior Court to regulate Proceedings on Appeals.

LXXII. The Powers given by the Third Section of the Act of the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Fifty-four, of making general Rules for regulating Proceedings on Appeals, shall apply to Proceedings on Appeals under this Act.

Constitution and Incorporation of "The Conservators of the River Thames and Port of London."

LXXIII. The Lord Mayor for the Time being, the First Commissioner for the Time being for executing the Office of Lord High Admiral, the President for the Time being of the Committee of Council appointed for the Consideration of Matters relating to Trade, and Foreign Plantations, such One of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues as the Commissioners of Her Majesty's Treasury shall from Time to Time appoint for this Purpose, and the Deputy Master for the Time being of the Corporation of the Trinity House of Deptford Strond, shall be and be styled "The Conservators of the River Thames and Port of London," and shall by that Name be a Body Corporate, and have perpetual Succession and a Common Seal, and sue and be sued, and have Power and Authority, without any Licence in Mortmain, to take, purchase, and hold Land for the Purposes of this Act.

Powers of Conservators may be exercised by Three of them.

LXXIV. All Powers and Duties by this Act vested in the said Conservators, or which may hereafter be vested in them, may be exercised and performed by any *Three* or more Members of such Corporation, and judicial Notice shall be taken of the Seal of the said Conservators.

Powers vested in the Corporation of London, or the Lord Mayor, in relation to the Conservancy of the Thames and Port of London, transferred to Conservators under this Act.

LXXV. All Duties, Powers, Authorities, Rights, and Privileges now vested in the Corporation or in the Lord Mayor for the Time being, in respect of the Office of Bailiff and Conservator of the River Thames and Medway, and all Duties, Powers, Authorities, Rights, and Privileges whatsoever now vested in the Corporation, or the Lord Mayor for the Time being, or the Common Council, or any Committee or Committees thereof, in relation to the Conservancy, Improvement, and Navigation of the said Rivers or either of them, or any Waters connected therewith, and in relation to the Regulation of the Port of London, are hereby vested in the Conservators of the River Thames and Port of London constituted by this Act, to be by them exercised and enjoyed within the same local Limits, and under and subject to the same Restrictions, as such Duties, Powers, Authorities, Rights, and Privileges may now be exercised by the said Corporation, Lord Mayor, Common Council, Committee or Committees respectively.

Byelaws and Appointments continued.

LXXVI. Provided always, That all Byelaws and all Appointments of Officers respectively made by the Corporation or Lord Mayor in exercise of any of the said Powers and Authorities aforesaid shall continue until altered or revoked by the said Conservators established by this Act.

Property of Corporation of London and Lord Mayor, in relation to the Conservancy of the Thames and Port of London, transferred to Conservators, subject to Liabilities.

LXXVII. All Property, Matters, and Things whatsoever vested in the Corporation or Lord Mayor, in connexion with any Duties, Powers, or Authorities hereby transferred to the said Conservators, shall be vested in them; and all Debts and Securities which the Corporation or Lord Mayor would have been liable to pay or discharge out of any such Property, or any Tolls, Dues, or other Monies which they or he would or might have received if this Act had not been passed, shall be paid and discharged in like Manner out of the said Property hereby vested in the said Conservators, and the like Tolls, Dues, and Monies to be received by the said Conservators under this Act.

Stocks and Securities arising under 4 & 5 W. 4. c. 32. and other Securities and Monies connected with the Conservancy, &c., to be transferred and paid as the Treasury

LXXVIII. All Sums of Stock, and all Securities purchased or taken in the Names of the Chamberlain, Town Clerk, and Comptroller of the Chamber of the City for the Time being, pursuant to the Directions of the Act of the Session holden in the Fourth and Fifth Years of King William the Fourth, Chapter Thirty-two, "for "reducing the Tonnage Rates payable in the Port of London," or any Act therein mentioned, shall be transferred to such Person or Persons as the Commissioners of the Treasury, by Writing under their Hands, may direct, but upon trust nevertheless to be held by the said Conservators constituted by this Act for the Purposes to which

which the same are now by Law applicable, and all other Sums of Stock and all other Securities belonging to the Corporation or the Lord Mayor (whether standing or taken in their or his own Name or in the Names of any Persons or Person as their or his Trustee,) in connexion with any of the Duties, Powers, or Authorities hereby transferred to the said Conservators; and all Monies in the Chamber of the City, and which by Law ought to be applied to or for Purposes connected with such Duties, Powers, or Authorities, shall be respectively transferred and paid to such Person or Persons as the Commissioners of Her Majesty's Treasury, by Writing under their Hands, may direct, but upon trust nevertheless for the said Conservators for the Purposes to which the same are now by Law applicable.

may direct, upon trust for the said Conservators.

LXXIX. It shall not be lawful for any Person to erect, build, or make any Embankment, Erection, Building, or Work upon the Shore or Bank of the River Thames, or to drive any Piles thereon or in the said River, without the Consent of the said Conservators.

No Erection to be made on the River without the Consent of the Conservators.

LXXX. It shall be lawful for the said Conservators, from Time to Time as they deem necessary for the Convenience of the Public, to erect at any convenient Places, Piers or Landing Places, of such Form and Construction as they deem most advantageous to the Public, and causing the least Obstruction to the Navigation of the River, and also from Time to Time to alter and vary the Form and Construction of such Piers or Landing Places, and also from Time to Time to shut up or take away and remove any such Piers or Landing Places, without being obliged to erect or provide any other Pier or Landing Place in lieu of any so shut up or removed or taken away.

Conservators may erect Piers and Landing Places.

LXXXI. All exclusive Privileges of the Freemen of the Company of "The Master, Wardens, and Commonalty of Watermen and Lightermen of the River Thames," and of the Widows of such Freemen, and Apprentices to such Freemen or Widows, with respect to the Navigation of the River Thames between Yantlet Creek and Windsor, under the Act of the Session holden in the Seventh and Eighth Years of King George the Fourth, Chapter Seventy-five, (Local,) "for the better "Regulation of the Watermen and Lightermen in the River Thames "between Yantlet Creek and Windsor," shall cease and be abolished: Provided always, that it shall not be lawful for any Person not now by Law authorized so to do to work for Hire on the said River within the Limits aforesaid any Wherry or other Boat for carrying Passengers without a Licence from the said Conservators, and it shall be lawful for the said Conservators, by any Byelaws to be from Time to Time made by them in this Behalf, to determine the Terms or

Exclusive Privileges of Watermen's Company abolished, &c.

Conditions on which such Licences shall be granted, and the Duration thereof, and to fix the Price or Fare to be charged by any Person now authorized as aforesaid, or for the Time being licensed as aforesaid, for conveying any Person in a Wherry or other Boat on the said River within the Limits aforesaid; provided also, that nothing herein contained shall prejudice or affect any Rights or Privileges to which the Owner of any Ferry over or across the said River within the Limits aforesaid is now by Law entitled.

Officers to receive Compensation on Removal;

LXXXII. Every Officer of the City in any Office of Profit at the Time of the passing of this Act, whose Office is abolished, or who is removed from his Office under the Provisions of this Act, shall be entitled to have an adequate Compensation, to be assessed by the Common Council, and paid out of the Revenues of the Corporation, except in the Case of any Office connected with the City Police, and in such Case out of the Police Rate of the City, for the Salary, Fees, and Emoluments of the Office which he so ceases to hold, Regard being had to the Manner of his Appointment to the said Office, and his Term or Interest therein, and all other Circumstances of the Case; and every Person entitled to such Compensation as aforesaid shall deliver to the Town Clerk, or in case such Person be himself Town Clerk then to the Chamberlain of the City, a Statement under the Hand of such Person setting forth the Amount received by him or his Predecessors in every Year during the Period of *Five* Years next before the passing of this Act on account of the Salary, Fees, Emoluments, Profits, and Perquisites in respect whereof he claims such Compensation, distinguishing the Office, Place, Situation, Employment, or Appointment in respect whereof the same have been received, and containing a Declaration that the same is a true Statement according to the best of the Knowledge, Information, and Belief of such Person, and also setting forth the Sum claimed by him as such Compensation; and the Town Clerk or Chamberlain, as the Case shall be, shall lay such Statement before the Common Council, who shall take the same into consideration, and determine thereon; and immediately upon such Determination being made the Person preferring such Claim, if he be not himself the Town Clerk, shall be informed thereof by Notice in Writing under the Hand of the Town Clerk; and in case such Claim be admitted in part and disallowed in part, such Notice shall specify the Particulars in which the same has been admitted and disallowed respectively; and in case the Person preferring such Claim think himself aggrieved by the Determination of the Common Council thereon, or in case *One Third* of the Members of the Common Council subscribe a Protest against the Amount of Compensation allowed by the Determination of the Common Council as excessive,

to deliver Statement of Claims.

it

it shall be lawful for the Person preferring such Claim, or any Member of the Common Council who subscribes such Protest, to appeal to the Commissioners of Her Majesty's Treasury, who shall thereupon make such Order, under their Hands, as to them shall seem just; and such Order shall be binding on all Parties: Provided always, that if the Common Council do not determine on such Claim within *Six* Months after the aforesaid Statement is delivered to the Town Clerk or Chamberlain, as the Case shall be, such Claim shall be considered as admitted: Provided also, that it shall not be lawful for any Member of the Common Council to subscribe such Protest as aforesaid except within such Period of *Six* Months: Provided also, that the Person preferring such Claim, if any Member of the Common Council so require, upon receiving Notice in Writing signed by the Town Clerk, unless such Person be himself Town Clerk, in which Case no such Notice shall be requisite, shall from Time to Time attend at any Meeting or adjourned Meeting of the Common Council for the Investigation of such Claim, and then and there, upon his Oath or solemn Affirmation, to be taken or made before the Lord Mayor (who is hereby authorized to administer the same), shall answer all such Questions as shall be asked by any Member of the Common Council touching the Matters set forth in the Statement subscribed by such Person as aforesaid, and produce all Books, Papers, and Writings in his Possession, Custody, or Power relating thereto.

Compensation to be secured by Bond under Common Seal.

LXXXIII. The Sum payable to any Person as such Compensation as aforesaid shall be secured to such Person by Bond or Obligation under the Common Seal of the Corporation in a sufficient Penalty conditioned for the Payment to such Person, his Executors Administrators or Assigns, of such Sum, with all Arrears thereof (if any) accrued due before the Date of such Bond; and such Bond or Obligation shall be prepared and executed at the Expense of the Corporation, and delivered to the Person entitled to such Compensation as soon as conveniently may be after the Amount thereof has been admitted as aforesaid by the Common Council, or has been determined, in the event of such Appeal as aforesaid, by the Order of the said Commissioners.

Repeal of Acts, Customs, and Charters inconsistent with this Act.

LXXXIV. So much of all Laws, Statutes, Customs, and Usages, and so much of all Royal and other Charters, Grants, and Letters Patent, now in force relating to the City or the Corporation thereof, or any Member or Officers of such Corporation, or to the Citizens, Liverymen, Freemen, or Inhabitants of the City, as are contrary to or inconsistent with the Provisions of this Act, shall be repealed and annulled.

Provision as to Sunday, Good Friday, and Christmas Day, and Fast and Thanksgiving Days.

LXXXV. When the Day on which any Meeting or Act is by this Act appointed to be holden or done happens to be Sunday, Good Friday, or Christmas Day, or a Day appointed by Royal Proclamation as a Day of Solemn Fast or a Day of Thanksgiving, the same shall be holden or done on the Day next following which does not happen to be one of the Days aforesaid.

Interpretation of Terms: "the City," "the Corporation," "the Common Council," "Lord Mayor."

LXXXVI. For the Purposes of this Act, the whole Space within the exterior Boundaries of the Liberties of the City of London (except the Inner Temple and Middle Temple) shall be deemed Parts of the City of London, and shall be Parts of Wards to be formed under this Act; and in the Construction of this Act "the City" shall mean the City of London, and "the Corporation" shall mean the Mayor and Commonalty and Citizens of the City of London, and "the Common Council" shall mean the Mayor, Aldermen, and Commons of the City of London in Common Council assembled, and "the Lord Mayor" shall mean the Lord Mayor of the City of London.

The

The SCHEDULE to which the foregoing Act refers.

No. 1.

The LIST of VOTERS of the Ward of in the City of London.

Christian Name and Surname of each Voter at full Length.	Nature of the Property rated.	Street, Lane, or other Place in the Ward where the Property is situated.

(Signed) *A.B.*, Ward Clerk of the Ward of .

No. 2.

NOTICE of CLAIM.

To the Town Clerk of the City of London.

I hereby give you Notice, That I claim to have my Name inserted in the Voter's List of the Ward of , and that I occupy [*here describe the House, Warehouse, Counting-house, Office, Chambers for Business, Shop, Wharf, or other Tenement occupied by the Claimant,*] in the Ward, and that I have been rated, or have duly claimed to be rated, in the Ward of [*here state the Time during which the Claimant has been rated, or has claimed to be rated, within the Ward necessary for his Qualification*].

Dated the Day of in the Year .

(Signed) *A.B.* of [*Place of Abode*].

No. 3.

NOTICE of OBJECTION.

To the Town Clerk of the City of London.

I hereby give you Notice, That I object to the Name of in the Ward of

[*describe the Person objected to as described in the Voters List*] being retained on the Voters List of the Ward of

Dated the Day of in the Year .

(Signed) *A.B.*

[*Here state the Situation of the Property for which in the Voters List he is said to be rated.*]

No. 4.

FORM of NOTICE of OBJECTION to be given to the Person objected to.

To Mr. .

I hereby give you Notice, That I object to your Name being retained on the Voters List of the Ward of

Dated the Day of in the Year .

(Signed) *A.B.*

[*Here state the Situation of the Property for which in the Voters List he is said to be rated.*]

No. 5.

LIST of CLAIMANTS.

The following Persons claim to have their Names inserted on the Voters List of the Ward of in the City of London.

Christian Name and Surname of each Claimant.	Nature of the Property in respect of which the Claim is made.	Situation of the Property.

(Signed) *A.B.*, Town Clerk.

No. 6.

No. 6.

LIST of PERSONS objected to.

The following Persons have been objected to as not being entitled to have their Names retained on the Voters List of the Ward of in the City of London.

Christian Name of each Person objected to.	Nature of the Property for which the Person objected to is said to be rated in the Ward List.	Situation of the Property.

(Signed) *A.B.*, Town Clerk.

London Corporation.

A

B I L L

For the better Regulation of the Corporation of the City of London.

(*Prepared and brought in by Sir George Grey, Viscount Palmerston, and Mr. Attorney General.*)

Ordered, by The House of Commons, *to be Printed,* 1 *April* 1856.

[77.]

Under 5 oz.

A

BILL

TO

Amend the Lunatic Asylums Act, 1853.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recorder to appoint Two Justices to be Members of the Committee of Justices of the County for providing an Asylum.

I. Where a Committee is or shall hereafter be appointed to provide an Asylum for any County under the Lunatics Asylum Act, 1853, the Recorder of every Borough now or hereafter annexed to such County for the Purposes of the said Act shall, forthwith after such Appointment as aforesaid, or where such Committee has been already appointed shall forthwith after the *passing of this Act*, appoint *Two* Justices of such Borough to be Members of such Committee.

Lunatic Asylums Act Amendment.

A

B I L L

To amend the Lunatic Asylums Act, 1853.

(*Prepared and brought in by Sir George Brooke Pechell and Lord Alfred Hervey.*)

Ordered, by The House of Commons, *to be Printed,* 11 *July* 1856.

[Bill 246.]

Under 1 *oz.*

15 *April* 1856. 19 Vict.

(Ireland.)

A

BILL

TO

Explain and amend the Acts relating to Lunatic Asylums in Ireland.

WHEREAS an Act was passed in the Session of Parliament holden in the First and Second Years of His Majesty King George the Fourth, intituled "An Act to make more "effectual Provision for the Establishment of Asylums for the "Lunatic Poor and for the Custody of Insane Persons charged with "Offences in Ireland;" and the said Act was amended by the following Acts; that is to say, an Act of the Session holden in the Sixth Year of His Majesty King George the Fourth, Chapter Fifty-four; an Act of the Session holden in the Seventh Year of His Majesty King George the Fourth, Chapter Fourteen; an Act of the Session holden in the Eleventh Year of His Majesty King George the Fourth, Chapter Twenty-two; an Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter One hundred and seven; an Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter One hundred and fifteen; and an Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and nine: And whereas since the passing of the said first-recited Act, the successive Lords Lieutenant of Ireland have appointed the Officers of the said Asylums; but Doubts have arisen respecting the Authority to make such Appointments, which

Preamble.

1 & 2 G. 4. c. 33.

6 G. 4. c. 54.

7 G. 4. c. 14.

11 G. 4. and 1 W. 4. c. 22.

8 & 9 Vict. c. 107.

9 & 10 Vict. c. 115.

18 & 19 Vict. c. 109.

which it is expedient to remove: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appointment of Officers for Lunatic Asylums heretofore made to be valid.

I. All Appointments of Officers for Asylums for the Lunatic Poor in Ireland, and all Salaries for such Officers fixed or granted, and all Matters and Things heretofore done by the Lord Lieutenant or by the Lord Lieutenant and Council of Ireland with respect to such Appointments, shall be and remain good and valid, and be effectual for all Purposes whatever.

The Lord Lieutenant and Council shall determine Number and Description of Officers for Lunatic Asylums, and fix their Salaries, and appoint and remove such Officers.

II. The Lord Lieutenant and Council shall in the Case of every Asylum for the Lunatic Poor established or to be hereafter established in Ireland fix and determine the Number and Description of Officers for every such Asylum, the Duties of such Officers, and the Salaries (if any) to be paid to them respectively; and the Lord Lieutenant shall appoint such Officers, and may remove any such Officer, and shall have Power, upon every Vacancy by Death, Removal, Resignation, or otherwise, in any such Office, from Time to Time to appoint some other Person to such Office, subject to the Conditions and Restrictions affecting the original Appointment to such Office.

Short Title of Act.

III. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "Lunatic Asylums, Ireland, Act, 1856."

Interpretation of Terms.

IV. In the Interpretation of this Act, save where there is anything in the Subject or Context repugnant to such Construction, the Words "Lord Lieutenant" shall include any other Chief Governor or Governors of Ireland; the Words "Lord Lieutenant and Council" shall mean the Lord Lieutenant or other Chief Governor or Governors of Ireland, by and with the Advice of Her Majesty's Privy Council in Ireland; and the Word "Officer" shall mean and include Governors, Managers, Chaplains, Physicians, Surgeons, Apothecaries, Keepers, and other Officers.

Lunatic Asylums (Ireland).

A

BILL

To explain and amend the Acts relating to Lunatic Asylums in Ireland.

(*Prepared and brought in by Mr. Horsman and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed,* 15 *April* 1856.

[Bill 100.]

Under 1 *oz.*

(No. 2.)

A

B I L L

TO

Explain and amend the Acts relating to Lunatic Asylums in Ireland.

WHEREAS an Act was passed in the Session of Parliament holden in the First and Second Years of His Majesty King George the Fourth, intituled "An Act to make "more effectual Provision for the Establishment of Asylums for the "Lunatic Poor and for the Custody of Insane Persons charged with "Offences in Ireland;" and the said Act was amended by the following Acts; that is to say, an Act of the Session holden in the Sixth Year of His Majesty King George the Fourth, Chapter Fifty-four; an Act of the Session holden in the Seventh Year of His Majesty King George the Fourth, Chapter Fourteen; an Act of the Session holden in the Eleventh Year of His Majesty, King George the Fourth, Chapter Twenty-two; an Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter One hundred and seven; an Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter One hundred and fifteen; and an Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and nine: And whereas since the passing of the first-recited Act the successive Lords Lieutenant of Ireland have appointed Officers of the said Asylums, but Doubts have arisen as to the Authority to make such Appointments, and it

Preamble.

1 & 2 G. 4. c. 33.

6 G. 4. c. 54.

7 G. 4. c. 14.

11 G. 4. & 1 W. 4. c. 22.

8 & 9 Vict. c. 107.

9 & 10 Vict. c. 115.

18 & 19 Vict. c. 109.

is expedient to remove such Doubts, and to explain and amend the said Acts: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act.

I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Lunatic Asylums, Ireland, Act, 1856."

Interpretation of Terms.

II. In the Interpretation of this Act, save where there is anything in the Subject or Context repugnant to such Construction, the Words "Lord Lieutenant" shall mean and include the Chief Governor or Governors of Ireland; the Words "Lord Lieutenant and Council" shall mean the Lord Lieutenant or other Chief Governor or Governors of Ireland, by and with the Advice of Her Majesty's Privy Council in Ireland; "Asylums" shall mean "Asylums for the Lunatic Poor" established under the said recited Acts; and the Word "Officer" shall mean and include Managers, Chaplains, Physicians, Surgeons, Apothecaries, Matrons, Attendants, and Servants.

Appointment of Officers for Asylums heretofore made to be valid.

III. All Appointments of Officers for such Asylums, and all Salaries of such Officers fixed or granted, and all Matters and Things heretofore done by the Lord Lieutenant or by the Lord Lieutenant and Council, with respect to such Appointments, shall be and remain good, valid, and effectual, but subject to the Powers and Provisions herein-after contained.

Lord Lieutenant and Council to fix Establishment.

IV. The Lord Lieutenant and Council shall from Time to Time, in the Case of every such Asylum established or to be hereafter established, fix and determine the Number and Description of Officers for every such Asylum.

Governors to fix Salaries.

V. The Governors of such Asylums shall from Time to Time, subject to the Approbation of the Lord Lieutenant in Council, fix the Salaries to be paid to such Officers respectively; but if the Governors shall neglect so to do, or if the Lord Lieutenant in Council shall disapprove of the Salary proposed for any Officer, it shall be lawful for the Lord Lieutenant in Council to fix and determine the same.

Governors may alter Salaries.

VI. It shall be lawful for the Governors, with the Approval of the Lord Lieutenant in Council, from Time to Time to alter the Salaries to be paid to such Officers respectively.

Manager, Matron, and Physician appointed by Lord Lieutenant.

VII. The Manager, Matron, and Visiting Physician of every such Asylum shall be from Time to Time appointed by the Lord Lieutenant, and, whether now holding Office or hereafter to be appointed, shall be removable at the Pleasure of the Lord Lieutenant.

VIII. All

All other Officers appointed by Governors.

VIII. All Officers of every such Asylum, other than the Manager, Matron, and Visiting Physician shall be from Time to Time appointed by the Governors, and, whether now holding Office or hereafter to be appointed, shall be removable at the Pleasure of the Governors.

Superannuation of Officers.

IX. It shall be lawful for the Governors, on the Recommendation of the Inspectors of Lunatics or one of them, to direct that any Officer who is incapable, from Age, Infirmity of Mind or Body, or otherwise, to discharge the Duties of his Office, shall be superannuated, and shall receive such yearly Superannuation Pension as upon Consideration of all the Circumstances of each Case shall appear to be just, not exceeding such Proportion of his Salary and Allowances as herein-after mentioned, (that is to say,) for above Fifteen and less than Twenty Years Service, a Pension not exceeding *Two Thirds* of his Salary and Allowances, and for above Twenty Years Service a Pension not exceeding his Salary and Allowances.

Salaries and Superannuation Pensions, how to be raised, &c.

X. The several Salaries and Superannuation Pensions now or hereafter to become payable shall respectively be advanced, paid, presented for, and raised in like Manner as any other Monies advanced or raised for supporting and maintaining such Asylums respectively under the said recited Acts or any of them.

Provision for Lunatics not Paupers.

XI. Whereas Pauper Lunatics only can now by Law be admitted into any such District Lunatic Asylums, and there are others of the industrious Classes suffering from Insanity who may be benefited by Treatment in Lunatic Asylums, but whose Relatives are unable to meet the Expense of Private Asylums, and are not willing to accept gratuitous Relief, and it is expedient that some Provision should be made for such Classes: Be it therefore enacted, That it shall be lawful for the Governors of any District Lunatic Asylum (subject to any Orders to be made by the Lord Lieutenant in Council) to receive as Inmates any Persons not coming under the Description of Pauper Lunatics (but to be treated in all respects as if Pauper Lunatics, Clothing only excepted), on such Terms as to Payment or otherwise as to the Governors shall seem proper, and the Monies so received as Payment for such Persons shall be applied to the Support and Maintenance of such Asylums.

Lord Lieutenant may by Orders regulate Admissions of Non-pauper Lunatics.

XII. It shall be lawful for the Lord Lieutenant in Council from Time to Time to make any General or Special Orders regulating the Admission of such Lunatics not coming under the Description of Paupers, or prohibiting the Admission of such Persons.

Construction.

XIII. This Act and the said recited Acts shall be construed together as if One Act.

Lunatic Asylums (Ireland).

(No. 2.)

A

B I L L

To explain and amend the Acts relating to Lunatic Asylums in Ireland.

(*Prepared and brought in by Mr. Horsman and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed,* 23 *May* 1856.

[Bill 149.]

Under 1 *oz.*

(No. 2.)

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Explain and amend the Acts relating to Lunatic Asylums in Ireland.

WHEREAS an Act was passed in the Session of Parliament holden in the First and Second Years of His Majesty King George the Fourth, intituled "An Act to make "more effectual Provision for the Establishment of Asylums for the "Lunatic Poor and for the Custody of Insane Persons charged with "Offences in Ireland;" and the said Act was amended by the following Acts; that is to say, an Act of the Session holden in the Sixth Year of His Majesty King George the Fourth, Chapter Fifty-four; an Act of the Session holden in the Seventh Year of His Majesty King George the Fourth, Chapter Fourteen; an Act of the Session holden in the Eleventh Year of His Majesty, King George the Fourth, Chapter Twenty-two; an Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter One hundred and seven; an Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter One hundred and fifteen; and an Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and nine: and it is expedient to explain and amend the said Acts: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the

Preamble.

1 & 2 G. 4. c. 33.

6 G. 4. c. 54.

7 G. 4. c. 14.

11 G. 4. & 1 W. 4. c. 22.

8 & 9 Vict. c. 107.

9 & 10 Vict. c. 115.

18 & 19 Vict. c. 109.

the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act.

I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Lunatic Asylums, Ireland, Act, 1856."

Interpretation of Terms.

II. In the Interpretation of this Act, save where there is anything in the Subject or Context repugnant to such Construction, the Words "Lord Lieutenant" shall mean and include the Chief Governor or Governors of Ireland; the Words "Lord Lieutenant and Council" shall mean the Lord Lieutenant or other Chief Governor or Governors of Ireland, by and with the Advice of Her Majesty's Privy Council in Ireland; "Asylums" shall mean "Asylums for the Lunatic Poor" established under the said recited Acts; and the Word "Officer" shall mean and include Managers, Chaplains, Physicians, Surgeons, Apothecaries, Matrons, Attendants, and Servants.

Appointment of Officers for Asylums heretofore made to be valid.

III. All Appointments of Officers for such Asylums, save and except all such Appointments as have been decided by the Court of Queen's Bench to have been illegal, and all Salaries of such Officers fixed or granted, and all Matters and Things heretofore done by the Lord Lieutenant or by the Lord Lieutenant and Council, with respect to such Appointments, shall be taken to be good, valid, and effectual, but subject to the Provisions herein-after contained.

Governors to fix Establishment.

IV. The Governors of each Asylum, with the Approbation of the Lord Lieutenant and Council, shall from Time to Time, in the Case of every such Asylum established or to be hereafter established, fix and determine the Number and Description of Officers for every such Asylum.

Governors to fix Salaries.

V. The Governors of such Asylums shall from Time to Time, subject to the Approbation of the Lord Lieutenant in Council, fix the Salaries to be paid to such Officers respectively; but if the Governors shall neglect so to do, or if the Lord Lieutenant in Council shall not consider the Salary proposed for any Office to be fair and reasonable, it shall be lawful for the Lord Lieutenant in Council to fix and determine the same.

Governors may alter Salaries.

VI. It shall be lawful for the Governors, with the Approval of the Lord Lieutenant in Council, from Time to Time to alter the Salaries to be paid to such Officers respectively.

All other Officers appointed by Governors.

VII. All Officers of every such Asylum shall be from Time to Time appointed and be removable by the Governors, subject to the Approval of the Lord Lieutenant.

VIII. It

Superannuation of Officers.

VIII. It shall be lawful for the Governors, with the Approval of the Inspectors of Lunatics or one of them, to direct that any Officer who is incapable, from Age, Infirmity of Mind or Body, or otherwise, to discharge the Duties of his Office, shall be superannuated, and shall receive such yearly Superannuation Pension as upon Consideration of all the Circumstances of each Case shall appear to be just, not exceeding such Proportion of his Salary and Allowances as herein-after mentioned, (that is to say,) for above Fifteen and less than Twenty Years Service, a Pension not exceeding Two Thirds of his Salary and Allowances, and for above Twenty Years Service a Pension not exceeding his Salary and Allowances.

Salaries and Superannuation Pensions, how to be raised, &c.

IX. The several Salaries and Superannuation Pensions now or hereafter to become payable shall respectively be advanced, paid, presented for, and raised in like Manner as any other Monies advanced or raised for supporting and maintaining such Asylums respectively under the said recited Acts or any of them.

Provision for Lunatics not Paupers.

X. Whereas Pauper Lunatics only can now by Law be admitted into any such District Lunatic Asylums, and there are others of the industrious Classes suffering from Insanity who may be benefited by Treatment in Lunatic Asylums, but whose Relatives are unable to meet the Expense of Private Asylums, and are not willing to accept gratuitous Relief, and it is expedient that some Provision should be made for such Classes: Be it therefore enacted, That it shall be lawful for the Governors of any District Lunatic Asylum (subject to any Orders to be made by the Lord Lieutenant in Council) to receive as Inmates any Persons not coming under the Description of Pauper Lunatics (but to be treated in all respects as if Pauper Lunatics, Clothing only excepted), on such Terms as to Payment or otherwise as to the Governors shall seem proper, and the Monies so received as Payment for such Persons shall be applied to the Support and Maintenance of such Asylums.

Lord Lieutenant may by Orders regulate Admissions of Non-pauper Lunatics.

XI. It shall be lawful for the Lord Lieutenant in Council from Time to Time to make any General or Special Orders regulating the Admission of such Lunatics not coming under the Description of Paupers, or prohibiting the Admission of such Persons.

Construction.

XII. This Act and the said recited Acts shall be construed together as if One Act.

Lunatic Asylums (Ireland).

(No. 2.)

A

BILL

[AS AMENDED IN COMMITTEE]

To explain and amend the Acts relating to Lunatic Asylums in Ireland.

(Prepared and brought in by Mr. Horsman and Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, *to be Printed,* 20 *June* 1856.

[Bill 191.]

Under 1 *oz.*

(Ireland.)

A

BILL

TO

Amend the Acts relating to Lunatic Asylums in Ireland, so far as relates to Superannuations.

WHEREAS an Act was passed in the Session of Parliament holden in the First and Second Years of His Majesty King George the Fourth, intituled "An Act to make "more effectual Provision for the Establishment of Asylums for the "Lunatic Poor and for the Custody of Insane Persons charged with "Offences in Ireland;" and the said Act was amended by the following Acts; that is to say, an Act of the Session holden in the Sixth Year of His Majesty King George the Fourth, Chapter Fifty-four; an Act of the Session holden in the Seventh Year of His Majesty King George the Fourth, Chapter Fourteen; an Act of the Session holden in the Eleventh Year of His Majesty King George the Fourth, Chapter Twenty-two; an Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter One hundred and seven; an Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter One hundred and fifteen; and an Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and nine; and it is expedient to amend the said Acts so far as to enable the Governors to grant

Preamble.

1 & 2 G. 4. c. 33.

6 G. 4. c. 54.

7 G. 4. c. 14.

11 G. 4. & 1 W. 4. c. 22.

8 & 9 Vict. c. 107.

9 & 10 Vict. c. 115.

18 & 19 Vict. c. 109.

Superannuations in certain Cases: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act.

I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Lunatic Asylums Superannuations, Ireland, Act, 1856."

Interpretation of Terms.

II. In the Interpretation of this Act, save where there is anything in the Subject or Context repugnant to such Construction, the Word "Asylums" shall mean "Asylums for the Lunatic Poor" established under the said recited Acts; and the Word "Officer" shall mean and include Managers, Chaplains, Physicians, Surgeons, Apothecaries, Matrons, Attendants, and Servants.

Superannuation of Officers.

III. It shall be lawful for the Governors, with the Approval of the Inspectors of Lunatics, or One of them, to direct that any Officer who is incapable, from Age, Infirmity of Mind or Body, or otherwise, to discharge the Duties of his Office, shall be superannuated, and shall receive such yearly Superannuation Pension as upon Consideration of all the Circumstances of each Case shall appear to be just, not exceeding such Proportion of his Salary and Allowances as herein-after mentioned, (that is to say,) for above Fifteen and less than Twenty Years Service a Pension not exceeding *Two Thirds* of his Salary and Allowances, and for above Twenty Years Service a Pension not exceeding his Salary and Allowances.

Superannuation Pensions, how to be raised, &c.

IV. The several Superannuation Pensions hereafter to become payable shall respectively be advanced, paid, presented for, and raised in like Manner as any other Monies advanced or raised for supporting and maintaining such Asylums respectively under the said recited Acts or any of them.

Construction.

V. This Act and the said recited Acts shall be construed together as if One Act.

Lunatic Asylums (Superannuations) (Ireland).

A

BILL

To amend the Acts relating to Lunatic Asylums in Ireland, so far as relates to Superannuations.

(*Prepared and brought in by Sir R. A. Ferguson and Admiral Jones.*)

Ordered, by The House of Commons, *to be Printed,* 14 *July* 1856.

[Bill 251.]

Under 1 *oz.*

A

BILL

INTITULED

An Act for confirming a Scheme of the Charity Commissioners for Saint Mary Magdalen Hospital near Bath.

Preamble. 3d Report, 28th Feb. 1856.

WHEREAS the Charity Commissioners for England and Wales, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and fifty-five, have reported that they have provisionally approved and certified (among other Schemes for the Application and Management of Charities) a Scheme for the Hospital of Saint Mary Magdalen at Holloway near the City of Bath, and such Scheme is set out in the Appendix to the said Report, and is also set out in the Schedule to this Act: And whereas it is expedient that the said Scheme should be confirmed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Scheme confirmed.

I. The said Scheme shall be confirmed and take effect.

SCHEDULE.

SCHEME

For the Regulation of the Hospital of Saint Mary Magdalen in Holloway, near the City of Bath, and the Possessions thereof.

Dissolution of the existing corporation.

1. The Corporation of the Hospital, by the name of the Master, Co-brethren, and Sisters of the Hospital of Saint Mary Magdalen in Holloway, near the City of Bath, or by any other name, so far as the same Corporation has now, or is capable of legal subsistence, shall be dissolved, and the Charity, under the name of the Magdalen Charity, with all the real and personal estates thereof, shall be henceforth managed and administered by the trustees hereby appointed, and for the purposes only hereby declared.

The charity to be managed by trustees.

2. The trustees for the time being of the Municipal Charities of the City of Bath shall be the trustees of the Charity, under the name, for this purpose, of Trustees of the Magdalen Charity, and they shall have power, with the approbation of the Charity Commissioners for England and Wales, to associate with themselves in the management of the Charity, or any department thereof, any person from among benefactors of the Charity, or from among the trustees or managers of any other Charity to be united therewith, who respectively may stipulate for such participation in the management thereof, upon making any such benefaction, or upon any such union of Charities.

Power to enlarge the number of the trustees.

The possessions of the charity to be vested in the trustees for the time being.

3. All the real estate belonging to or held in trust for the said hospital (subject to the subsisting leases thereof), and the benefit of all covenants, conditions, and securities made or reserved to the former corporation of the said hospital, or to any preceding trustees of the Charity as hereby constituted, and all the personal estate thereof (subject to the following provisions as to the legal tenure of stock in the public funds), and the right to sue for and recover all choses in action recoverable for the benefit of the same Charity, shall from time to time vest in the trustees of the Magdalen Charity for the time being, by force and for the purposes and according to the provisions of this scheme, without conveyance, assignment, or other assurance; and a right to sue upon and enforce all covenants, conditions, and securities made or reserved to the said former corporation, or to any preceding trustees of the Charity, shall be exercisable by and in the names of the trustees for the time being thereof, as fully and effectually as the same right might be exercised by such corporation if not dissolved, or by such preceding trustees, if still retaining their office; and all contracts and liabilities of the said corporation before the dissolution thereof, or of any preceding trustees of the said Charity, may be enforced against the trustees thereof for the time being to the extent of the property or assets thereof.

Leases and other instruments may be executed by five trustees.

4. Leases and other instruments for the letting or disposal of the Charity Estate may be made by any five trustees thereof for the time being on behalf and as the act of the whole of them, according to any resolution of the trustees made at a meeting of their body, duly convened, and shall have the same effect as if executed by all the trustees; and the recital of any such resolution, contained in any deed or instrument by which any such lease or other disposition shall be effected, shall be primâ facie evidence of the same resolution.

5. The

Stock committee.

5. The trustees may appoint four or more of their number to be a stock committee, and any stock in the public funds from time to time belonging to or held in trust for the Charity may be transferred either into the names of such stock committee, or, under the order of the Charity Commissioners for England and Wales, to the Official Trustees of Charitable Funds; and as often as the number of the stock committee, continuing to be trustees of the Charity, shall be reduced to two or a less number, then the trustees shall appoint a sufficient number of the other members of their body to be members of the stock committee, jointly with the continuing members of such committee, to make up the number of the committee to four or more, and the stock held by the former members of the stock committee shall be transferred to the stock committee so newly constituted.

Trusts declared of certain funds for the charity.

6. The sum of 70*l.* sterling paid to the Rev. John Allen, the late master of the hospital, by the Great Western Railway Company, as a consideration for land of the Charity taken by the said Company, and which sum is now in the hands of the personal representative of the said John Allen, shall be paid to the trustees hereby constituted of the said Charity; and the same, or so much thereof as shall not be otherwise applicable under the provisions of this scheme, shall be invested by them in the public funds in the names of the stock committee, or with the authority of the said Commissioners in the name of the Official Trustees of Charitable Funds, and the dividends of such stock shall be applicable as part of the general income of the Charity. All sums of stock transferred to the Accountant General of the Court of Chancery, upon any trust for the benefit of the said hospital, shall be held upon like trusts for the benefit of the Charity as constituted by this scheme, and shall be transferred, upon the application of the trustess of the Charity for the time being, to the stock committee, or to the Official Trustees of Charitable Funds, for the benefit of the said Charity.

Income of charity accrued since the death of the late master to be collected.

7. All the rents, dividends, interest, and income arising from any real or personal estate of the said hospital, and which have become due or payable since the decease of the last master thereof, including all monies payable otherwise than as rent in respect of the occupation of any part of the Charity Estate, and which income or monies would be respectively due to the corporation of the said hospital, if subsisting when this scheme shall come into operation, or to the master thereof; and all pew rents, or sums due in respect of any pews or sittings in the chapel of the said hospital, occupied or used since the decease of the said late master, shall be due to and collected by the trustees hereby appointed, and shall be applicable by them according to the provisions of this scheme.

Chapel and houses to be kept in repair.

8. The chapel and buildings belonging thereto, and all houses and buildings on the Charity Estates, not in the tenure or occupation of any tenants or persons bound to repair the same, shall be maintained in proper repair, and be also insured against fire by the trustees out of the income arising from the same premises respectively, or otherwise, so far as such income shall extend; but, as to the chapel, subject to the primary applicability of the pew rents to the repair thereof.

The chapel and services to be maintained.

9. The chapel belonging to the said hospital, with its burial ground and precincts, shall be appropriated and used exclusively for the purposes of religious worship and rites, according to the ordinances and doctrines of the

Church of England, and the religious services shall be continued therein by the chaplain to be appointed as herein-after provided, unless or until after the establishment of the objects of the Charity in any locality distant from the site of the present hospital, or upon the services of the said chapel being found to be not beneficial; or from any sufficient cause the trustees, with the written approval of the Lord Chancellor, to whom in right of the Crown the appointment of the master of the said hospital has hitherto belonged, shall direct the same services to be suspended or discontinued.

Chaplain to be appointed.

10. There shall be a chaplain of the Charity, to be called "The Chaplain of the Magdalen Charity," and the Lord Chancellor, in right of the Crown, shall be entitled from time to time to appoint such chaplain, unless the services of the chapel shall have been discontinued as aforesaid; and the appointment of any such chaplain may be for such time, subject to such regulations and conditions as to the Lord Chancellor shall seem fit: and until such appointment shall be made or the services of the said chapel shall be discontinued as aforesaid, the trustees shall provide for the continuance of the same service at the expense of the Charity.

Chaplain to be subject to jurisdiction of the bishop.

11. The chaplain shall be subject to the jurisdiction of the bishop of the diocese, who shall have power to suspend or deprive him for neglect of duty or other sufficient cause.

Chaplain to perform divine service on Sundays

12. The chaplain shall perform Divine service in the chapel at least once on every Sunday throughout the year, and all such religious services at or near to the same chapel, for the benefit of the objects and officers and servants of or employed for the purposes of the Charity, as the trustees shall reasonably require.

As to the use of the burial ground.

13. The burial ground belonging to the chapel shall be used for the interment of objects of the Charity, and the servants and others employed for the purposes thereof and of other persons, under such restrictions and regulations and subject to such orders as shall from time to time be made by the trustees.

Clerk, organist, &c. of chapel to be appointed and removed by chaplain, subject to approval of trustees.

14. The appointment and removal of the clerk, organist, pew openers, and other persons employed for the purposes of the chapel, or in the care thereof, shall belong to the trustees by whom the respective salaries of the same several officers and persons shall be fixed and paid.

Pew rents may be taken.

15. The trustees may require such moderate rents as they shall think fit to be paid to them for all or any of the pews or sittings in the chapel which shall not be occupied or used by the objects or officers or servants of the Charity.

Application of pew rents.

16. The rents payable for pews or sittings in the said chapel, herein-after called by the general name of pew rents, shall be payable to the trustees, and shall be applicable in the first instance to the repair, insurance, and maintenance of the chapel and its precincts, and to the payment of the salaries of the clerk and organist, and the pew openers and other servants employed for the purposes, or in the care of the chapel, and to the providing of the necessary furniture and fittings of the chapel, and to the payment of the general expenses incident to the services thereof; and the residue of such pew rents which shall remain after answering those purposes shall be paid by the trustees to the chaplain for his own use, and as far as conveniently may be, by half yearly payments on the 25th day of March and the 29th day of September in every year.

17. In

17. In case and so often as the pew rents payable to the chaplain in any year shall be less than the clear sum of 60*l.* the amount thereof shall be made up to the sum of 60*l.* for the benefit of the chaplain by the trustees out of the general income of the Charity, so far as such income, after providing for the other payments hereby directed to be primarily paid thereout, shall be sufficient for that purpose, and the stipend or income of the chaplain, including his share of the pew rents, may hereafter be made up by the trustees in like manner to any yearly sum not exceeding 100*l.* out of the general income of the Charity, with the approbation of the said Charity Commissioners under their seal, if and when on account of the increase of the duties of the chaplain, or in consideration of the improved resources of the Charity, or for other reasons to be submitted by the trustees to the said Commissioners, it shall be thought expedient so to do.

The stipend of chaplain to be made up to stated amount.

18. All the pew rents which have become due since the death of the late master, and all the rents, dividends, interest, and general income of the charity which respectively have accrued or become due since the same event, which shall be collected by or on account of the trustees under the foregoing direction, shall be applied by them, in the first place, in or towards the payment of all such salaries, wages, and monies as have become due during the same period to any persons or person on account of the maintenance of the said chapel and the services therein other than to the minister by whom such services have been performed or provided for, and of all expenses incurred in the maintenance or for the benefit of the last inmate of the said hospital until her decease, or on account of her burial; and the surplus of all such rents and income shall be applied in or towards the payment to the minister, by whom the services of the said chapel have been performed or provided for during the same period, of a stipend in respect of such services at the rate of 60*l.* per annum, to be computed from the decease of the late master, for the whole period during which he has so discharged or provided for the same services; and if such surplus rents and income shall be insufficient for the last-mentioned purpose, then the said stipend shall be made up to the said minister out of the before-mentioned principal sum of 70*l.*, or some other capital, funds, or property of the Charity, and in the meantime shall be a charge on all the same funds and property, and the income thereof.

Stipend to be paid in respect of the services since the death of the late master.

19. All the clear residues or surplus of the income of the Charity which remain after providing for the several payments herein-before directed to be made thereout shall be received by the trustees, and invested by them from time to time in the public funds in the names of the Stock Committee, or, under the authority of the said Commissioners, in the name of the Official Trustees of Charitable Funds; and the dividends and income arising from such investments shall also be invested and accumulated by the trustees from time to time in like manner until the stock so accumulated shall amount to 5,000*l.* or more.

As to the application of the surplus money.

20. When the stock to be so accumulated shall amount to or exceed 5,000*l.*, the trustees shall apply the same, and the dividends thereof, and the then future general income of the Charity which shall remain after answering the purposes herein-before provided for, in or towards the establishment, endowment, and maintenance of an hospital or asylum, to be called the Magdalen Hospital, to be governed and managed according to the provisions of this scheme, for the reception, maintenance, and improvements of poor idiots.

Hospital for idiots to be established.

Situation of the hospital.

21. The hospital shall be established as near as conveniently may be to the said chapel, if suitable buildings, or a suitable site for buildings to be erected for the purposes thereof, shall be obtainable in the vicinity of the said chapel, and shall be approved by the said Commissioners for this purpose, or the said hospital may, for any special reasons or considerations of advantage to the Charity, to be submitted to and approved by the said Commissioners, be established in any other locality not distant more than ten miles from the Abbey Church, in the city of Bath.

Power to appropriate or acquire buildings or site for the purposes of the charity, and to erect or adapt and fit up buildings.

22. The trustees, with the sanction of the said Commissioners, may appropriate any suitable buildings or land belonging to the Charity for the purposes of, or as a site for, the said hospital, and may purchase or obtain the surrender for that purpose of any leasehold or other interest subsisting in such building or site, or, with the like sanction, may obtain, by way of purchase, exchange, demise, or otherwise, any other suitable buildings or land for the same purposes, and may erect, alter, enlarge, improve, adapt, and also furnish and fit up any buildings necessary for the purposes of the Charity, and apply to the purposes aforesaid, or any of them, any principal funds belonging to the Charity, or may raise any funds for the same purposes upon the security of the Charity Estates, with the approval of the Charity Commissioners for England and Wales, under their seal.

Objects of the charity.

23. The hospital shall be for the reception, maintenance, training, and improvement, to the utmost attainable extent, of poor idiot children, of whom those born or whose parents or next friends shall be resident within the City of Bath, or within thirty miles thereof, shall be entitled to a preference of election, and all of whom at the time of their admission shall be under the age of fifteen years, and shall be free from any contagious or loathsome disease; all such children may be retained in the hospital for such periods, to be determined particularly with reference to their continuing or supposed capacity of improvement, as shall be prescribed or permitted by any general rules established by the trustees for the government or regulation of the Charity.

Payments to be required from the inmates.

24. The trustees may require the payment on behalf of such poor children of any such yearly sums, not exceeding 10*l.* each, towards the expenses of the institution, as the circumstances of the Charity for the time being may render necessary or expedient, or such yearly sums, not exceeding twenty pounds each, for the same purposes, as the Charity Commissioners shall from time to time, upon the application of the trustees, authorize to be taken, but may also remit such payments, wholly or partially, in any cases where the poverty or condition of the inmates, or of their parents or next friends, shall render the payment of such yearly sums impracticable or specially onerous.

The trustees may also receive from time to time into the institution any idiot children not exceeding the before-mentioned age, or afflicted with any such disease as aforesaid, whose parents or next friends, in order to obtain for them the benefits of maintenance and discipline therein, shall be willing to pay on their behalf such larger yearly sums as shall be required by the trustees for the profit or benefit of the institution, so, nevertheless, that the reception of any such children other than poor idiots shall not be the means of preventing the reception or maintenance in the said hospital of any such poor idiots as aforesaid, for whose reception or maintenance the income of the Charity for the time being shall be sufficient.

25. The

25. The whole rents, dividends, interest, and yearly income of the Charity which shall not be applicable to such purposes as are herein-before directed to be primarily provided for therewith, and which shall remain after payment also of the necessary outgoings, including the expenses of repair and insurance, and rent (if any) payable in respect of the buildings and premises used for the purposes of the Charity, and also all the yearly or other sums to be received from any inmates of the hospital, shall be applied by the trustees to the maintenance, medical treatment, training, instruction, and care of the inmates of the hospital, of whom so many shall be received and maintained therein from time to time as the capacity of the buildings and the income and yearly resources of the Charity will permit.

The whole residuary income of the Charity to be applied for the benefit of the inmates of the hospital.

26. The trustees, so soon as the said Charity shall be brought into active operation, or previously, shall make such general rules for the government and regulation thereof as in their judgment shall be best calculated to develop and extend its benefits, particularly in promoting the health and comfort and moral improvement of the inmates, according to the experience which may then have been acquired of the wants of the locality, and of the means by which the improvement and benefit of such patients may be most effectually advanced, and shall submit such rules for approval to the said Commissioners, and the same rules, so far as they may be approved by the said Commissioners, shall be established and thenceforth binding on all parties to whom they shall be applicable, but may from time to time be altered, extended, or annulled by the like means and authority as occasion may require.

Rules for the government of the Charity to be established.

27. The trustees, also with the sanction of the said Commissioners, may bring the said Charity into active operation before accumulating the prescribed sum of 5,000*l.* stock, and in the same manner, and subject to the same regulations, as if such accumulation had been made, in case by the aid of benefactions to the Charity, or by the improved management of the estates thereof, or by commuting any leases of such estates now subsisting for terms of life into leases for terms of years at larger present rates, or by the yearly or other subscriptions of benevolent persons, or any other means, the income for the time being of the Charity shall be rendered sooner sufficient for that purpose, or they may, with such sanction as aforesaid, agree to and effect the union of the Charity with any other Charity established for the like purposes, and within the distance of ten miles from the Abbey Church in the city of Bath, in order to render both Charities more effective, so, nevertheless, that the income of the Magdalen Charity shall be applicable only to such purposes as are hereby prescribed, and according to the regulations herein contained, with such modifications only, if any, required upon such union thereof, as shall have been submitted to and approved by one of the Judges of the Court of Chancery, or the said Commissioners.

Power to accelerate the foundation of the Charity in case of any sufficient means being obtained, or to unite it to any similar Charity.

28. This scheme shall be printed, and any person interested in the Charity shall have access thereto, under any reasonable regulations to be prescribed for that purpose by the trustees.

Scheme to be printed.

Magdalen Hospital, Bath.

A

BILL

INTITULED

An Act for confirming a Scheme of the Charity Commissioners for Saint Mary Magdalen Hospital near Bath.

(*Brought from the Lords* 25 *June* 1856.)

Ordered, by The House of Commons, *to be Printed,* 26 *June* 1856.

[Bill 200.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act for amending the Law of Marriage in Scotland.

[*Note.*—The Words printed in Red Ink are proposed to be inserted in Committee.]

WHEREAS it is expedient to amend the Law touching Marriages in Scotland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. After the Thirty-first Day of December One thousand eight hundred and fifty-six no irregular Marriage contracted, had, made, or solemnized in Scotland shall be valid, unless both the Parties were born in Scotland, or had had their most usual Place of Residence there, or had lived in Scotland for Twenty-one Days next preceding such Marriage; any Law, Custom, or Usage to the contrary notwithstanding. Declaring under what Circumstances Marriages solemnized in Scotland shall be valid.

II. If any Persons married in Scotland after the Day and Year aforesaid shall prove to the Satisfaction of the Sheriff or Sheriff Substitute of the County where such Marriage was contracted that they have been married to one another, and that they had lived in Scotland for Twenty-one Days next preceding such Marriage, such Certificated Copy of Entry by Sheriff Depute that Parties were married, and

that they lived in Scotland Twenty-one Days preceding such Marriage, conclusive as to its Validity.

Sheriff or Sheriff Substitute shall certify the same under his Hand, and shall thereupon grant Warrant to the Registrar of the Parish or Burgh in which the Marriage was contracted, who shall forthwith enter such Marriage in the Register of Marriages kept by him in Terms of an Act of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Eighty; and any certified Copy of such Entry, signed by such Registrar, and which such Registrar is hereby required and empowered to give, charging for the same the Sum of Five Shillings, shall be received in Evidence of such Marriage, and of such previous living Twenty-one Days in Scotland, and shall be conclusive as to the Fact of such previous living and as to the Validity of such Marriage under the Provisions of this Act in all Courts in the United Kingdom and Dominions thereunto belonging, and to all Intents and Purposes whatsoever.

Persons forging such Entry or Signature liable to Transportation.

III. If any Person other than the Registrar shall make such Entry in the Register, or shall wilfully forge or fabricate such Entry therein, or the Handwriting of such Sheriff or Sheriff Substitute to any Warrant or Certificate touching such Marriage or touching such Entry, such Person shall be deemed guilty of Forgery, and being duly convicted thereof, shall be transported for Life or for such Term of Years as to the Court which shall try the same shall appear fit.

Persons making false Statements liable to Transportation or Imprisonment.

IV. Every Person who shall knowingly and wilfully make or cause to be made any false Statement for the Purpose of obtaining any such Certificate or Warrant as aforesaid from the Sheriff or Sheriff Substitute, shall be deemed guilty of an Offence, and on Conviction shall be punishable by Transportation for a Period not exceeding Seven Years, or by Imprisonment for a Period not exceeding Two Years.

Marriage Law (Scotland) Amending.

A

B I L L

INTITULED

An Act for amending the Law of Marriage in Scotland.

(*Brought from the Lords* 27 *May* 1856.)

Ordered, by The House of Commons, *to be Printed,* 17 *June* 1856.

[Bill 183.]

Under 1 *oz.*

A

BILL

[AS AMENDED IN COMMITTEE]

INTITULED

An Act for amending the Law of Marriage in Scotland.

[Note.—*Clause* A. *was added in Committee.*]

WHEREAS it is expedient to amend the Law touching Marriages in Scotland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. After the Thirty-first Day of December One thousand eight hundred and fifty-six no irregular Marriage contracted in Scotland by Declaration, Acknowledgment, or Ceremony shall be valid, unless One of the Parties had at the Date thereof his or her most usual Place of Residence there, or had lived in Scotland for Twenty-one Days next preceding such Marriage; any Law, Custom, or Usage to the contrary notwithstanding. Declaring under what Circumstances Marriages solemnized in Scotland shall be valid.

II. If any Persons who shall have contracted an irregular Marriage in Scotland after the Day and Year aforesaid shall within Three Months thereafter present a joint Application for a Warrant to register such Marriage to the Sheriff or Sheriff Substitute of the County where such Marriage was contracted, and shall prove to his Satisfaction Certificated Copy of Entry by Sheriff Depute that Parties were married, and

that they lived in Scotland Twenty-one Days preceding such Marriage, conclusive as to its Validity.

faction that they have been married to one another, and that One of them had lived in Scotland for Twenty-one Days next preceding such Marriage, or had his or her most usual Residence in Scotland at the Date thereof, such Sheriff or Sheriff Substitute shall certify the same under his Hand, and shall thereupon grant Warrant to the Registrar of the Parish or Burgh in which the Marriage was contracted, who shall forthwith enter such Marriage in the Register of Marriages kept by him in Terms of an Act of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Eighty; and any certified Copy of such Entry, signed by such Register, and which such Registrar is hereby required and empowered to give, charging for the same the Sum of Five Shillings, shall be received in Evidence of such Marriage, and of such Residence or of such previous living Twenty-one Days in Scotland, in all Courts in the United Kingdom and Dominions thereunto belonging, to all Intents and Purposes whatsoever.

Clause A. No Conviction for, nor Registration of, irregular Marriage, without Proof of previous Residence.

III. It shall not be lawful, after the Date aforesaid, to convict any Parties of having irregularly contracted Marriage unless there shall be adduced to the Justice or Justices of the Peace, Magistrate or Magistrates, before whom the Complaint against such Parties has been brought, sufficient Proof other than the Acknowledgment of such Parties that One of them had at the Date thereof his or her most usual Residence in Scotland, or had lived in Scotland for Twenty-one Days next preceding such Marriage; nor shall it be lawful for any Registrar of Births, Deaths, and Marriages in Scotland to register any Marriage under the Provisions of the said recited Act on the Production of an Extract of a Conviction for having irregularly contracted Marriage, unless such Conviction shall bear that such sufficient Proof as aforesaid was so adduced.

Marriage Law (Scotland) Amending.

A

BILL

[AS AMENDED IN COMMITTEE]

INTITULED

An Act for amending the Law of Marriage in Scotland.

(*Brought from the Lords* 27 *May* 1856.)

Ordered, by The House of Commons, *to be Printed,* 11 *July* 1856.

[Bill 244.]

Under 1 *oz.*

A

BILL

TO

Enable Married Women to dispose of Reversionary Interests in Personal Estate.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Married Women may dispose of Reversionary Interests in Personal Estate, and release their Rights to a Settlement out of such Estate in possession.

I. From and after the *passing of this Act*, it shall be lawful for every Married Woman by Deed to dispose of every future or Reversionary Interest, whether vested or contingent, of such Married Woman, or her Husband in her Right, in any Personal Estate whatsoever, as fully and effectually as she could do if she were a Feme Sole; and also to release and extinguish her Right or Equity to a Settlement out of any Personal Estate to which she, or her Husband in her Right, may be entitled in possession, save and except that no such Disposition, Release, or Extinguishment shall be valid unless the Husband concur in the Deed by which the same shall be effected, nor unless the Deed be acknowledged by her as herein-after directed.

Deeds to be acknowledged by

II. Every Deed to be executed by a Married Woman for any of the Purposes of this Act shall be acknowledged by her, and be otherwise

Married Women in the Manner required by the Fines and Recoveries Act for disposing of Interests in Land.

wise perfected, in the Manner in and by the Act passed in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, intituled "An Act for the Abolition of Fines and Recoveries, "and for the Substitution of more simple Modes of Assurance," prescribed for the Acknowledgment and perfecting of Deeds disposing of Interests of Married Women in Land; and all and singular the Clauses and Provisions in the said Act concerning the Disposition of Lands by Married Women, including the Provisions for dispensing with the Concurrence of the Husbands of Married Women, in the Cases in the said Act mentioned, shall extend and be applicable to such Interests in Personal Estate as may be disposed of by virtue of this Act, as fully and effectually as if such Interests were Interests in Land.

The Powers of Disposition given by this Act not to interfere with any other Powers.

III. Provided always, That the Powers of Disposition given to a Married Woman by this Act shall not interfere with any Power which independently of this Act may be vested in or limited or reserved to her, so as to prevent her from exercising such Power in any Case, except so far as by any Disposition made by her under this Act she may be prevented from so doing, in consequence of such Power having been suspended or extinguished by such Disposition.

Act not to extend to Personal Estate settled upon a Married Woman without Power of Anticipation, nor to any Provision made for her by a Settlement upon her Marriage.

IV. Provided always, That the Powers of Disposition hereby given to a Married Woman shall not enable her to dispose of any Interest in Personal Estate which may have been settled upon her by any Settlement or Agreement for a Settlement made on the Occasion of her Marriage.

Act not to extend to Scotland.

V. This Act shall not extend to Scotland.

Married Women's Reversionary Interest.

A

B I L L

To enable Married Women to dispose of Reversionary Interests in Personal Estate.

(Prepared and brought in by Mr. Malins and Mr. Mullings.)

Ordered, by The House of Commons, *to be Printed,* 26 *February* 1856.

[Bill 55.]

Under 1 *oz.*

15 *April* 1856. 19 Vict.

(Ireland.)

A

BILL

TO

Provide for the Withdrawal from the College of Maynooth of any Endowment out of the Consolidated Fund, due Regard being had to vested Rights or Interests.

Preamble. 8 & 9 Vict. c. 25.

WHEREAS the Privilege of Incorporation and the Powers and Immunities conferred on the Trustees of the College of Maynooth, and the Grant authorized by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of Her present Majesty, Chapter Twenty-five, ought to be discontinued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

So much of Act as incorporates Trustees repealed.

I. That so much of the said Act as incorporates the Trustees of the said College be and the same is hereby repealed.

Saving Rights of Visiting Trustees.

II. Provided always, That the several Persons who at the Time of *the passing of this Act* shall be Members of the said Corporation shall be and continue Trustees of the said College, and shall have all such

Powers and Authorities as to the Government of the said College, the Supply of Vacancies in their Number, and the acquiring and holding of Lands, and all other the Rights, Privileges, and Immunities which were lawfully possessed and enjoyed by the Trustees of the said College at the Time of *the passing of the said Act*, and that all Property which may have been acquired by or on behalf of the said College by virtue of the Provisions hereby repealed, and all other the Property of the said College, shall be and the same is hereby vested in and shall continue to remain the Property of the said Trustees.

After providing for certain Payments under recited Act, the Grant from Consolidated Fund to cease.

III. Subject to the Payment from Time to Time of such Sums as will enable the said Trustees, who are hereby empowered to receive and apply the same, to continue the Provisions contemplated by the said recited Act to the Students actually resident in the said College at the Time of *the passing of this Act* until the Expiration of the usual Term of Residence as Students, not exceeding *Eight* Years from the Time of their Entry respectively, and to continue the Provision mentioned in such Act towards the Salaries of the President and Vice-President, Officers, and Professors of such College until such Students Term of Residence shall have expired as aforesaid, so much of the said recited Act as is comprised within the Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Sections of the same, with reference to the Payments of the Salaries of the President, Vice-President, Officers, and Professors, and the Expense of Commons, Attendance, and other Necessaries to be supplied for their Use, and of Provision for the Students, and of the Expenses of Commons and other Necessaries in respect of the Students, and for the Construction and Furnishing of the Buildings of the said College, shall be, and the same is hereby repealed, and, except as aforesaid, it shall not be lawful for the Commissioners of Her Majesty's Treasury to pay any further Moneys out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or any other Public Fund, to the Trustees of the said College of Maynooth.

Repealing certain Sections of recited Act.

IV. The Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, and Nineteenth Sections of the said Act, which relate to the Appointment of Visitors, the holding of Visitations, the Authority of such Visitors, the Visitorial Power and the keeping of the Minutes of such Visitors, shall be and the same are hereby repealed.

Maynooth College.

(Ireland.)

A

B I L L

To provide for the Withdrawal from the College of Maynooth of any Endowment out of the Consolidated Fund, due Regard being had to vested Rights or Interests.

(Prepared and brought in by Mr. Newdegate, Mr. Spooner, and Mr. Bentinck.)

Ordered, by The House of Commons, *to be Printed,* 15 *April* 1856.

[Bill 99.]

Under 1 *oz.*

A

B I L L

TO

Alter and amend the Laws regulating the Medical Profession.

WHEREAS it is expedient to amend the Laws relating to the Medical Profession: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may for all Purposes be cited as "The Medical Act, 1856." Short Title.

II. This Act shall commence and take effect from the *First Day of August One thousand eight hundred and fifty-six.* Commencement of Act.

III. From and after the *Commencement of this Act*, the several Acts and Parts of Acts set forth in the Schedule (A.) to this Act annexed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, shall be repealed, except as to the Repeal of Acts.

Recovery and Application of any Penalty for any Offence which shall have been committed before the Commencement of this Act.

Medical Council.

IV. A Council shall be established, which shall be styled "The Medical Council of the United Kingdom," and shall consist of *One* Person chosen from Time to Time by each of the following Bodies:

The University of Oxford.
The University of Cambridge.
The University of London.
The University of Edinburgh.
The University of Glasgow.
The University of Aberdeen.
The University of St. Andrews.
The University of Dublin.
The Queen's University in Ireland.
The College of Physicians of England.
The College of Surgeons of England.
The College of Physicians of Edinburgh.
The College of Surgeons of Edinburgh.
The Faculty of Glasgow.
The College of Physicians of Ireland.
The College of Surgeons of Ireland.

And *Eight* Persons to be elected as herein-after provided, and herein-after called "The Representative Members."

Qualification.

V. Every Person so chosen by the said several Universities, Colleges, and Faculty must be qualified to be registered under this Act; the First Appointment by each of these Bodies shall be made within *Three* Months after the Commencement of this Act.

Tenure of Office by Members chosen by the Colleges.

VI. Every Member of the Medical Council chosen by the said several Universities, Colleges, and Faculty, shall be entitled to hold Office for *Three* Years, and shall then go out of Office, but may forthwith be re-chosen.

Appointment of Members of First Council.

VII. The Secretary of State for the Home Department shall, within *Three* Months after the Commencement of this Act, appoint *Eight* Persons qualified to be registered under this Act to be the *Eight* Members of the First Medical Council not chosen by the said several Universities, Colleges, and Faculty, *Four* of such Persons to be appointed for England, *Two* for Scotland, and *Two* for Ireland; and the said *Eight* Members of the First Medical Council shall hold Office till the *First Day of June One thousand eight hundred and fifty-seven*, and shall then go out of Office.

VIII. On

Election of Representative Members.

VIII. On the *First, Second, and Third Days of June One thousand eight hundred and fifty-seven*, and on the *First, Second, and Third Days of June* in every Third succeeding Year, the *Eight* Representative Members of the Medical Council shall be elected in the Manner herein-after provided; *Four* of such Representative Members to be elected by those Persons whose Names shall appear in the last printed Medical Register, to be published as herein-after provided, as registered for England; *Two* of such Representative Members to be elected by those Persons whose Names shall appear in like Medical Register as registered for Scotland; and *Two* of such Representative Members to be elected by those Persons whose Names shall appear in the like Medical Register as registered for Ireland; and each of the said Representative Members shall remain in Office for *Three* Years, and shall then go out of Office, but may forthwith be re-elected.

Candidates for Council to be nominated.

IX. At any Time not less than *Forty* clear Days next previous to the First Day of every Election of Representative Members of the Medical Council for England, Scotland, or Ireland respectively, any Person entitled to vote at such Election may give or transmit to the Medical Registrar to be appointed as herein-after provided a Paper, according to the Form in Schedule (B.) No. 1, signed by not less than *Twenty* Persons entitled to vote at such Election, containing the Name of any Person registered under this Act they may think fit to be elected as a Representative Member at the then ensuing Election; and the Medical Registrar shall cause all such Names so given or transmitted for England, Scotland, or Ireland respectively to be printed, together with the Names of the Two First Persons recommending the same, and shall also cause the Names of the Representative Members for England, Scotland, or Ireland respectively then going out of Office to be printed, in the respective Voting Papers to be used at the said Election; and such Persons so nominated shall be the only Persons eligible to be elected Representative Members for England, Scotland, or Ireland respectively, on the Day of Election.

Place of Election.

X. Every Election of Representative Members shall be held at the Office of the Medical Registrar, or at such other Place as the Medical Council shall appoint; and the Medical Registrar shall give public Notice of the Time and Place for the holding of such Election by Advertisement in *Two* or more Newspapers published in London, Edinburgh, and Dublin, *Ten* Days at least before such Election.

Method of voting at Elections.

XI. Every Election of Representative Members shall be held before the Medical Registrar, and the voting at every such Election shall commence at *Nine* of the Clock of the Forenoon of the First Day, and shall finally close at *Nine* of the Clock of the Afternoon of the last Day; and every Person entitled to vote may in England vote for any Number

of Persons not exceeding *Four*, and may in Scotland and Ireland vote for any Number of Persons not exceeding *Two*, by delivering to the Medical Registrar or his Deputy, or by sending through the Post, the Postage being prepaid, a Voting Paper, according to the Form in Schedule (B.) No. 2, containing the Names of the Persons for whom he votes; and the Medical Registrar shall transmit by Post to every Person entitled to vote at such Election, *Fourteen* Days at least before the First Day of Election, One Voting Paper as aforesaid; and no Voting Paper other than the One procured from the Medical Registrar, executed as therein directed, and delivered to the Medical Registrar or his Deputy by the Person voting, or transmitted by the Post, as aforesaid, to the Medical Registrar or his Deputy, and received by the Medical Registrar or his Deputy on one of the Days of Election before *Nine* of the Clock of the Afternoon, shall be counted a good and valid Vote.

Result of Election, how to be declared.

XII. The Medical Registrar shall after the Close of the last Polling Day for every Election of Representative Members proceed to examine the Voting Papers so delivered or transmitted as aforesaid, for the Purpose of ascertaining which Persons are elected; and the *Four* Persons to whom the greatest Number of Votes shall have been given by Persons qualified to vote in England shall be the Representative Members elected for England, and the *Two* Persons to whom the greatest Number of Votes shall have been given by Persons qualified to vote in Scotland shall be the Representative Members elected for Scotland, and the *Two* Persons to whom the greatest Number of Votes shall have been given by Persons qualified to vote in Ireland shall be the Representative Members elected for Ireland; and in case of an Equality in the Number of Votes for any Two or more Persons for England, Scotland, or Ireland respectively, at any such Election, the Medical Registrar shall ballot out of the said Number of Persons having such equal Number of Votes so many as shall be necessary to complete the whole Number of Members to be elected, and such Persons whose Names shall have been drawn at such Ballot, together with such Persons as shall have had the greatest Number of Votes for England, Scotland, and Ireland respectively, shall be declared by the Medical Registrar to be duly elected the Representative Members for England, Scotland, and Ireland respectively, and the Names of the Persons so elected shall be published in Two or more Newspapers published in London, Edinburgh, and Dublin, not later than *Twenty-one* Days after such Election.

Council to appoint Two Members to superintend Election.

XIII. The Medical Council shall, before the Day of any Election of Representative Members, appoint Two Members of the Medical Council, not being any of the Representative Members, who shall be present during the Polling Day, and during the Examination of the Voting Papers and the Ballot by the Medical Registrar, and who

who shall, at the Close of such Election, certify that it has been fairly conducted according to the Provisions of this Act, and sign the Return made and to be published by the Medical Registrar.

Accidental Omission of Voting Papers not to invalidate Election.

XIV. No accidental Omission either in sending the Voting Papers, or in any other respect, shall be held to invalidate any Election of Representative Members.

Appointment of Members in event of Vacancy.

XV. In the event of any One of the Representative Members dying or resigning, or becoming incapable to discharge his Duties, during the Term for which he holds Office, the Medical Council shall appoint a fit and proper Person being registered under this Act for England, Scotland, or Ireland, as the Case may be, to fill the Place of the Representative Member so dying, resigning, or becoming incapable to discharge his Duties.

Fees.

XVI. There shall be paid to the Members of the Medical Council such Fees for Attendance and such reasonable Travelling Expenses as shall from Time to Time be allowed by the Medical Council, and be approved by the said Secretary of State.

Time and Place of Meeting.

XVII. The Medical Council shall hold their First Meeting in such Place and at such Time as the said Secretary of State shall appoint, and shall elect One of their Members to be their President, and shall hold their future Meetings in such Places and at such Times as they themselves shall appoint; and at every Meeting in the Absence of the President some other Member to be chosen from the Members then present shall act as President; and all Acts of the Medical Council shall be decided by the Votes of the Majority of the Members present at any Meeting, the whole Number not being less than *Six;* and at all such Meetings the President for the Time being shall in addition to his Vote have a Casting Vote in case of an Equality of Votes.

Appointment of Treasurer, Secretary, and Servants.

XVIII. The Medical Council shall appoint a Treasurer and Secretary, and so many Clerks and Servants as shall be necessary for the Purposes of this Act; and every Person so appointed shall be removable at the Pleasure of the Medical Council, and shall be paid such Salary as the Medical Council shall think fit.

Preliminary Examination in Classics.

XIX. The Medical Council shall, within *Three* Months after their First Meeting, appoint Examiners in London, Edinburgh, and Dublin respectively to examine in General Education after a Scheme to be approved by the Medical Council; and such Examiners shall receive such Remuneration as the Medical Council shall think fit, and shall hold Office for such Period as the Medical Council shall determine; and no Person, other than a Graduate in some University of the United

Kingdom, or in some Foreign University approved by the Medical Council, shall be entitled to present himself before any College, for the Purpose of obtaining Letters Testimonial as herein-after provided, unless he shall have received a Certificate according to the Form in the Schedule (F.) signed by some One or more of the said Examiners, for which Certificate the Person receiving it shall pay a Fee of *Two Pounds;* and all Monies received by the said Examiners shall be paid to the Treasurer of the Medical Council.

Appointment of Registrar.

XX. The said Secretary of State shall, within *One Month* after the passing of this Act, appoint a fit and proper Person to be "The Medical Registrar," and shall also appoint such Clerks and other Officers as the said Secretary of State shall deem necessary for the Assistance of the Medical Registrar; and the said Secretary of State shall, at his Discretion, remove any of the Persons so appointed, and upon any Vacancy shall appoint another fit and proper Person to be the Medical Registrar, or such Clerk or Officer; and the Salaries of the Medical Registrar and of such Clerks and Officers shall be fixed from Time to Time by the said Secretary of State, and shall be paid, together with all reasonable Expenses incurred by the Medical Registrar in the Execution of his Duties under this Act, by the Treasurer of the Medical Council, out of the Monies received by the said Treasurer by virtue of this Act.

Registration of Persons in Practice before the 1st Dec. 1856

XXI. The Medical Registrar shall, within *Thirty* Days after his Appointment, and shall from Time to Time till the *First* Day of *December* One thousand eight hundred and fifty-*six*, proceed to register in Books to be kept for that Purpose, to be called "The Physicians Register, 1856," on Payment of a Fee of *One Pound*, the Name and Place of Abode, together with a Description of the Testimonials, of every Physician who shall apply to be registered, and who shall at the Time of such Application be of at least *Twenty-four* Years of Age, and who, prior to the *Commencement of this Act*, shall have taken a Degree in Medicine in any English, Irish, or Scotch University, or who shall produce his Diploma or Licence, or shall produce a duly attested Certificate, or such other Proof as shall be satisfactory to the said Medical Registrar, of his having obtained a Diploma or Licence to practise as a Physician, dated prior to the said *First* Day of *December* One thousand eight hundred and fifty-*six*, and granted by any of the English, Irish, or Scotch Colleges or Corporations enumerated in Schedule (C.) to this Act, No. 1.; and the said Medical Registrar shall also, within the said Period of *Thirty* Days, and from Time to Time till the said *First* Day of *December* One thousand eight hundred and fifty-*six*, proceed to register in Books to be kept for that Purpose, to be called "The Surgeons Register, 1856," on Payment of a like Fee of *One Pound*, the Name and Place of Abode,

Abode, together with a Description of the Testimonials, of every Surgeon and Apothecary who shall apply to be registered, and who shall produce his Diploma, Certificate, or Licence, or shall produce a duly attested Certificate, or such other Proof as shall be satisfactory to the said Medical Registrar, of his having obtained a Diploma, Certificate, or Licence to practise as a Surgeon or Apothecary, dated prior to the said *First* Day of *December* One thousand eight hundred and fifty-*six*, and granted by any of the English, Irish, or Scotch Colleges or Corporations enumerated in Schedule (C.) to this Act No. 2., and also of every Person who shall apply to be registered, and who was actually practising Medicine in England and Wales prior to the First Day of August One thousand eight hundred and fifteen, and who shall sign a Declaration according to the Form in Schedule (D.), and also of every Surgeon and Assistant Surgeon of the Army and Navy who shall apply to be registered, and whose Warrant of Appointment bears Date prior to the said First Day of August One thousand eight hundred and fifteen.

Registration after the 1st November 1856.

XXII. The Medical Registrar shall, on and after the *First* Day of *December* One thousand eight hundred and fifty-*six*, proceed to register in Books to be kept for that Purpose, and on Payment of a Fee of *Ten Pounds*, the Name and Place of Abode, together with a Description of the Testimonials, of every Physician and Surgeon who shall apply to be registered, and who shall be qualified for Registration as herein-after provided.

Register to be published.

XXIII. The Medical Registrar shall in the Month of *February* in every Year cause to be printed a correct Register, in the Form in Schedule (E.), of the Names and Places of Abode of all Persons who shall have been registered under the Provisions of this Act, and who during the Month of *January* next preceding shall have sent to the Medical Registrar their Names and Places of Abode; and such Register shall be called "The Medical Register;" and a printed Copy of the Medical Register for the Time being, so published as aforesaid, shall be Evidence in all Courts, and before all Justices of the Peace and others, that the Persons therein specified are registered according to the Provisions of this Act; and the Absence of the Name of any Person from such printed Copy shall be Evidence, until the contrary be made to appear, that such Person is not registered according to the Provisions of this Act.

Payment of Monies.

XXIV. All Monies received by the Medical Registrar shall be paid over to the Treasurer of the Medical Council, and shall be applied to defray the Expenses of carrying this Act into execution, and any Surplus which shall remain shall be applied in forwarding Medical Education

tion and Medical Science in such Manner as the Medical Council shall think fit.

Wilful Falsification of Register.

XXV. Any Medical Registrar who shall wilfully make or cause to be made any Falsification in any Matters relating to the Register shall be deemed guilty of a Misdemeanor, and shall, on Conviction thereof, be sentenced to be imprisoned for any Term not exceeding *Six* Months.

Physicians.

XXVI. After the said *First* Day of *December* One thousand eight hundred and fifty-*six*, the Medical Registrar shall require Proof from every Person who applies to be registered as a Physician that he has attained the Age of *Twenty-six* Years, and that he has graduated in Medicine in some University of the United Kingdom or in some Foreign University approved by the Medical Council, and that he has been examined by and has received Letters Testimonial from One of the Royal Colleges of Physicians of England, Scotland, or Ireland.

Surgeons.

XXVII. After the said *First* Day of *December* One thousand eight hundred and fifty-*six*, the Medical Registrar shall require Proof from every Person who applies to be registered as a Surgeon that he has attained the Age of *Twenty-two* Years, and that he has been examined by and has received Letters Testimonial from the Colleges herein-after named; (that is to say,) if in England, examined in Medicine and Pharmacy by the Royal College of Physicians of England, assisted by *Five* Surgeons in general Practice, to be appointed from Time to Time by the Medical Council, and examined in Surgery and Midwifery by the Royal College of Surgeons of England; and if in Scotland, examined by the Royal Colleges of Physicians and Surgeons of Edinburgh or by the Faculty of Physicians and Surgeons of Glasgow; and if in Ireland, examined by the Royal College of Physicians and the Royal College of Surgeons of Ireland.

Registered Persons to belong to a College.

XXVIII. Every Person registered as a Physician or Surgeon after the *First* Day of *December* One thousand eight hundred and fifty-*six* shall cause himself to be admitted as a Member of the Royal College of Physicians or of the Royal College of Surgeons from which he shall have received his Letters Testimonial; or if he shall have received the said Testimonials from the Faculty of Physicians and Surgeons of Glasgow, then as a Member of that Faculty; but no Person so offering himself for Admission shall be required to pass any further Examination, nor to pay any Fee other than an Admission Fee; and every such Physician or Surgeon having been so admitted who shall afterwards remove from that Part of the United Kingdom in which he obtained his Letters Testimonial shall cause himself to be admitted as a Member of the corresponding College of that Part of the United Kingdom

Kingdom to which he shall so remove, or if he is removing to Scotland as a Member of the said Faculty, and shall be entitled to be so admitted without further Examination, and on Payment of an Admission Fee; and every Physician and Surgeon who shall not within *Three* Months after Registration or after such Removal cause himself to be so admitted shall be struck off the Register, and shall not be restored until he shall have been so admitted, and shall have paid to the Treasurer of the Medical Council such Penalty as the Medical Council shall think fit, not exceeding *Five* Pounds for each Calendar Month during which he shall have been so in default.

Names struck off from List of College to be erased from Register.

XXIX. If any of the said several Colleges or the said Faculty shall at any Time strike off from the List of such College or Faculty the Name of any One of their Members who has been guilty of Misconduct, such College or Faculty shall signify to the Medical Registrar the Name of the Member so struck off; and the Medical Registrar shall erase forthwith such Name from the Register, and shall not restore such Name to the Register until he shall receive from a College or Faculty a Notification that his Name has been placed upon the List of their Members.

Qualification and Fees.

XXX. The said several Colleges and the said Faculty shall from Time to Time, when required by the Medical Council, prepare and lay before the Medical Council a Scheme of the Course of Study and Particulars of the Examination to be gone through by all Persons applying to such Colleges respectively for Letters Testimonial as Physicians or Surgeons, and of the Fees to be taken for Examination and Admission into the said several Colleges respectively; and the Medical Council shall make from Time to Time such Changes in any of the Schemes so laid before them as to them shall seem expedient; and the Medical Council shall procure, as far as is practicable, that the Qualifications and Fees for the said Testimonials shall be uniform, according to the Nature thereof, throughout the United Kingdom; the Course of Study in every such Scheme shall be of at least Five Years Duration.

For securing Efficiency in Examination.

XXXI. It shall be lawful for any Person deputed by the Medical Council for that Purpose, being a Physician if deputed to a College of Physicians, and being a Surgeon if deputed to a College of Surgeons, or to the said Faculty, to be present at any of the Examinations held by any of the said Colleges or by the said Faculty, for the Purpose of granting Letters Testimonial; and if the Medical Council shall be of opinion that the Regulations prescribed by them for the Examination and Grant of Letters Testimonial have been infringed, evaded, or neglected by any of the said Colleges or

by the said Faculty, it shall be lawful for the Medical Council to notify the same to the Medical Registrar, and no Person shall be registered upon the Testimonials of the College or the said Faculty so in default until the same be amended to the Satisfaction of the Medical Council.

Constitution of the examining Bodies.

XXXII. Where by this Act it is provided that the Concurrence of more than One Body is required for qualifying any Person to be registered, the Examination before such Bodies for his Letters Testimonial may be conducted either separately before Examiners appointed by each Body, or before a joint Board of Examiners, to be appointed by each Body separately or conjointly, who shall be appointed in such Number, Manner, and Form, and shall hold their Examinations at such Times and Places, as such Bodies shall, with the Approval of the Medical Council, agree from Time to Time among themselves, or as shall be determined by the Medical Council with respect to any Point in which they shall not be agreed; and where there shall be separate Examinations before Examiners appointed by each Body, the Subjects and Fees of Examination shall be divided among such Bodies as they shall from Time to Time agree among themselves, or as the Medical Council from Time to Time shall determine with respect to any Subject on which they shall not be agreed.

Accounts to be published.

XXXIII. The Treasurer of the Medical Council shall enter in Books to be kept for that Purpose a true Account of all Sums of Money by him received and paid, and such Accounts shall, in the Months of June and December in every Year, be submitted by him to the Medical Council, and if the said Accounts be found to be correct, the President shall sign the same, and they shall be published by the Registrar along with the Medical Register that shall be printed in the Month of February next ensuing.

Pharmacopœia.

XXXIV. The Medical Council shall cause to be published under their Direction and Authority a Book containing a List of Medicines and Compounds, and the Manner of preparing them, together with the true Weights and Measures by which they are to be prepared and mixed, and containing such other Matter and Things relating thereto as the Medical Council shall think fit, to be called "The British Pharmacopœia;" and the Medical Council shall alter, amend, and cause to be republished such Pharmacopœia as often as they shall deem it necessary.

Privileges of registered Persons.

XXXV. Every Person registered under this Act shall be entitled to demand and recover in any Court of Law, with full Costs of Suit, reasonable Charges for Medical and Surgical Aid, Advice, Visits, and Medicine rendered or supplied by him to his Patients.

XXXVI. After

None but registered Persons to recover Charges.

XXXVI. After the said *First* Day of *December* One thousand eight hundred and fifty-*six*, no Person shall be entitled to recover any Charge in any Court of Law for any Medical or Surgical Advice, Attendance, or for the Performance of any Operation, or for any Medicine prescribed, administered, or supplied by him, unless he shall prove upon the Trial that he is registered under this Act.

Persons not registered incapable of holding Appointments.

XXXVII. After the said *First* Day of *December* One thousand eight hundred and fifty-*six*, no Person who is not registered under this Act shall be capable of holding any Appointment in any Part of the United Kingdom in the Capacity of a Medical Officer of Health or of a Physician, Surgeon, or other Medical Officer, in the Military or Naval Service, or in any Hospital, Infirmary, Dispensary, Lunatic or other Asylum, Lying-in Hospital, Gaol, Penitentiary, House of Correction, House of Industry, Parochial or Union Workhouse or Poorhouse, Parish Union, or other public Establishment, Body, or Institution, or to any Friendly or other Society for affording mutual Relief in Sickness, Infirmity, or Old Age.

Interpretation of Words.

XXXVIII. After the *First* Day of *December* One thousand eight hundred and fifty-six, the Words "legally qualified Medical Practitioner," or "duly qualified Medical Practitioner," or any Words importing a Person recognized by Law as a Medical Practitioner, when used in any Act of Parliament, shall be construed to mean a Person registered under this Act.

Penalty for falsely pretending to be a registered Person.

XXXIX. Every Person not registered under this Act who shall wilfully and falsely pretend to be, or take or use the Name or Title of a Physician, Doctor, Bachelor of Medicine, Surgeon, or Apothecary, or any Name, Title, Admission, or Description implying that he is registered under this Act, or that he is recognized by Law as a Physician, or Surgeon, or Apothecary, or a Practitioner in Medicine, shall, on being summarily convicted of every such Offence, before any Two Justices of the Peace for the County, City, or Place where the Offence was committed, pay a Sum not exceeding *Twenty Pounds* nor less than *Five Pounds*, to be recoverable as herein-after described.

How Penalties are to be recovered.

XL. Any Two Justices of the Peace acting in and for the County, City, or Place in which the Offence has been committed may hear and determine any Complaint made under the next preceding Clause, on the Oath of One or more Witnesses, or by the Confession of the accused Party, and shall award the Penalty or Punishment herein provided for such Offence; and in every Case of the Adjudication of a pecuniary Penalty and of Nonpayment thereof,

it shall be lawful for the said Justices to commit the Offender to any Gaol or House of Correction within his Jurisdiction for a Term not exceeding *Six* Calendar Months, the Imprisonment to cease on Payment of the Sum due.

Penalty for obtaining Registration by false Representations.

XLI. If any Person shall wilfully procure or attempt to procure himself to be registered under this Act, by making or producing or causing to be made or produced any false or fraudulent Representation or Declaration, either verbally or in Writing, every such Person so offending, and every Person aiding and assisting him therein, shall, upon being convicted thereof, be adjudged guilty of a Misdemeanor in England and Ireland, and in Scotland of a Crime and Offence.

Application of Penalties.

XLII. Any Sum or Sums of Money arising from Conviction and Recovery of Penalties as aforesaid shall be paid to the Treasurer of the Medical Council.

Registered Persons exempted from serving on Juries, &c.

XLIII. Every Person who shall be registered under the Provisions of this Act shall be exempt, if he shall so desire, from serving on all Juries and Inquests whatsoever, and from serving all Corporate, Parochial, Ward, Hundred, and Township Offices, and in the Militia, and the Name of such Person shall not be returned in any List of Persons liable to serve in the Militia, or in any such Office as aforesaid.

Provision for Persons practising in the Colonies and for Students.

XLIV. It shall be lawful for the Medical Council to make Regulations for dispensing with such Provisions of this Act as to them shall seem fit, in favour of Persons now practising Medicine or Surgery in any Part of Her Majesty's Dominions other than Great Britain and Ireland by virtue of any Degree in Medicine from any English, Irish, or Scotch University, or on any of the Qualifications enumerated in Schedule (C.); and also in favour of Persons practising Medicine or Surgery within the United Kingdom on Foreign or Colonial Diplomas or Degrees before the Commencement of this Act; and also in favour of any Surgeons or Assistant Surgeons in the Army, Navy, or Militia; and also in favour of Medical Students who shall have commenced their professional Studies before the passing of this Act.

Chemists, &c. not to be affected.

XLV. Nothing in this Act contained shall affect the lawful Occupation of Chemists and Druggists.

Privileges of Apothecaries not to be interfered with.

XLVI. Nothing in this Act contained shall interfere with the Privileges of duly licensed Apothecaries in Ireland.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Of Acts and Parts of Acts to be repealed.

Date of Act.	Title.	Extent of Repeal.
3 H. 8. c. 11.	An Act for the appointing Physicians and Surgeons.	The whole.
5 H. 8. c. 6.	An Act concerning Surgeons to be discharged of Quests and other Things.	The whole.
32 H. 8. c. 40.	For Physicians and their Privilege.	Sections 1 and 3.
32 H. 8. c. 40.	For Barbers and Surgeons.	The whole.
34 & 35 H. 8. c. 8.	A Bill that Persons, being no common Surgeons, may minister Medicines notwithstanding the Statute.	The whole.
1 M. sess. 2. c. 9.	An Act touching the Corporation of the Physicians in London.	The whole.
6 & 7 W. 3. c. 4.	An Act for exempting Apothecaries from serving the Offices of Constable, Scavenger, and other Parish and Ward Offices, and from serving upon Juries.	The whole.
18 G. 2. c. 15.	An Act for making the Surgeons of London and the Barbers of London Two separate and distinct Corporations.	The whole.
55 G. 3. c. 194.	An Act for better regulating the Practice of Apothecaries throughout England and Wales.	Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24.
6 G. 4. c. 50.	An Act for consolidating and amending the Laws relative to Jurors and Juries.	Section 2.
13 & 14 Vict. c. 20. (Local & Personal.)	An Act for better regulating the Privileges of the Faculty of Physicians and Surgeons of Glasgow, and amending their Charter of Incorporation.	Section 3.

SCHEDULE (B.) No. 1.

NOMINATION OF CANDIDATES FOR OFFICE OF REPRESENTATIVE MEMBERS OF MEDICAL COUNCIL.

To the Medical Registrar.

I hereby nominate

Name.	Residence.

as fit and proper Persons to be elected Representative Members for [*England*], of the Medical Council at the ensuing Election, to be held on the First Day of June next.

Dated this Day of 185 .

(Signed) [*Name.*]

[*Residence.*]

Persons recommending the above
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SCHE-

SCHEDULE (B.) No. 2.

VOTING PAPER,

To be used at the Election for Representative Members of Council, on the First Day of June next.

REPRESENTATIVE MEMBERS OF COUNCIL FOR [*England*] GOING OUT OF OFFICE.

Name.	Residence.

CANDIDATES.

Name.	Residence.	Persons recommending.

I, *A.B.* of, *&c.* do declare, That I sign this List, marked as above, as my Vote at the ensuing Election of Representative Members.

(Signed)

Dated, *&c.*

DIRECTIONS.—All the Names on the above List, with the Exception of those intended to be voted for, must be struck through with a Pen. If more than [*Four*] Names remain when the List is returned to the Registrar, the vote will not be counted as a good Vote. The above Persons being the Representative Members of the Council retiring, and the Candidates duly nominated according to the Act of Parliament of the Vict. c. , are the only Persons eligible to be elected Representative Members. If the above List be not handed personally by the Person voting to the Registrar or his Deputy, it must be sealed up, and sent by the Post, prepaid, directed to the Registrar, at [*Direction of Office of Registrar*] so that it may be delivered to him on One of the Days of Election, before Nine o'Clock in the Afternoon.

SCHEDULE (C.) No. 1.

List of Corporations whose Diplomas and Licences shall entitle the Persons holding them to be registered as Physicians prior to the First Day of November 1856.

The Royal College of Physicians of London.
The Royal College of Physicians of Edinburgh.
The King's and Queen's College of Physicians in Ireland.
The Archbishop of Canterbury.

SCHEDULE (C.) No. 2.

List of Corporations whose Diplomas and Licences shall entitle the Persons holding them to be registered as Surgeons prior to the First Day of November 1856.

The Royal College of Surgeons of England.
The Royal College of Surgeons of Edinburgh.
The Faculty of Physicians and Surgeons of Glasgow.
The Royal College of Surgeons of Dublin.
The Society of Apothecaries in London.

SCHEDULE (D.)

DECLARATION required of a Person who claims to be registered as a Medical Practitioner, upon the Ground that he was in Practice as a Medical Practitioner before the First Day of August 1815 :—

To the Registrar of the Medical Council.

I, , residing at in the County of , hereby declare that I was practising as a Medical Practitioner, at in the County of before the First Day of August 1815.

(Signed) [*Name.*]

Dated this Day of 185 .

SCHEDULE (E.)

The MEDICAL REGISTER, consisting of the Names and Places of Residence and Qualifications of all Persons legally qualified to practise Medicine and Surgery in the Year 185 .

I. ENGLAND.

Physicians (*arranged alphabetically*).

Names.	Residences.	Qualifications.

Surgeons (*arranged alphabetically*).

Names.	Residences.	Qualifications.

II. SCOTLAND.

Physicians (*arranged alphabetically*).

Names.	Residences.	Qualifications.

Surgeons (*arranged alphabetically*).

Names.	Residences.	Qualifications.

III. IRELAND.

Physicians (*arranged alphabetically*).

Names.	Residences.	Qualifications.

Surgeons (*arranged alphabetically*).

Names.	Residences.	Qualifications.

SCHEDULE (F.)

Certificate of Approval from Examiners in General Education.

This is to certify, That [*Name of Candidate examined*] has been carefully examined by us, the Examiners in [*London*] in General Education, after the Scheme approved of by the Medical Council, and that we consider him a fit Person to be presented as a Candidate for Examination in Medicine and Surgery.

(Signed) [*Name of Examiner or Examiners.*]

Dated

Medical Profession.

A

BILL

To alter and amend the Laws regulating the Medical Profession.

(*Prepared and brought in by Mr. Headlam, Mr. Brady, and Mr. Craufurd.*)

Ordered, by The House of Commons, *to be Printed,* 8 *February* 1856.

Under 3 oz.

[Bill 25.]

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Alter and amend the Laws regulating the Medical Profession.

WHEREAS it is expedient to amend the Laws relating to the Medical Profession: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may for all Purposes be cited as "The Medical Act, 1856." Short Title.

II. From and after the passing of this Act the several Acts and Parts of Acts set forth in the Schedule (A.), to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, shall be repealed, except as to the Recovery and Application of any Penalty for any Offence which shall have been committed before the passing of this Act. Repeal of Acts.

Council of Medical Education established.

III. A Council shall be established, which shall be styled "The Council of Medical Education of the United Kingdom," and shall consist of the President for the Time being of the General Board of Health, and such Twelve other Persons as Her Majesty, with the Advice of Her Privy Council, may appoint, of whom not less than Nine shall be appointed from among Persons qualified to be registered under this Act, not less than Two of them being Persons so qualified who are resident in Scotland, and not less than Two of them being Persons so qualified who are resident in Ireland.

Of the Persons to be so appointed by Her Majesty, Three shall be so appointed for a Term of Four Years, Three for a Term of Five Years, Three for a Term of Six Years, and the remaining Three for a Term of Seven Years.

The said Council of Medical Education is herein-after referred to as "The Council."

Appointments to supply Vacancies, and Term of Office of Persons so appointed.

IV. Upon every Vacancy among the Members of the Council appointed by Her Majesty under this Act, Her Majesty may, with the Advice of Her Privy Council, appoint a Person to fill such Vacancy.

Any Person going out of Office may be re-appointed.

Every Appointment on any such Vacancy shall be so made as to keep up the whole Number of Members of the Council qualified as aforesaid to not less than Nine, and the Number of such qualified Members resident in Scotland and Ireland respectively to not less than Two.

Every Member appointed by Her Majesty to fill a Vacancy occasioned by the Expiration of the Term of Office shall be appointed for the Term of Four Years, and every Member appointed to supply the Place of a Member whose Office has become void otherwise than by the Expiration of his Term of Office shall be appointed for the Remainder of the Term of Office of such last-mentioned Member.

The Council may act notwithstanding Vacancies therein.

Meetings of the Council.

V. The Council shall hold Meetings from Time to Time, at such Place and Time as the President of the General Board of Health shall appoint, and all Powers and Duties vested in the Council may be exercised and performed at any such Meeting at which not less than Five Members are present.

Quorum.

Chairman.

VI. The said President shall be the Chairman, and shall from Time to Time nominate One of the other Members to be the Vice-Chairman of the Council, who shall act as Chairman in the Absence of such President; provided, that at any Meeting of the Council at which neither

neither the Chairman nor the Vice-Chairman is present, the Members present shall elect out of their Number a Chairman for the Occasion.

Questions, how determined.

VII. At every Meeting of the Council all Questions shall be determined by the Majority of Votes of Members present and voting thereon, and in case of an Equality of Votes the Chairman shall have a Second or Casting Vote.

Fees to Members of Council.

VIII. There shall be paid to the Members of the Council, except the President of the General Board of Health, such Remuneration and such reasonable travelling Expenses as shall from Time to Time be appointed or allowed by the Commissioners of Her Majesty's Treasury, out of any Monies which may from Time to Time be provided by Parliament for that Purpose.

Committees may be appointed by Council.

IX. The Council shall have Power to appoint Committees of their own Body of such Number, not less than Three, as they may think fit, and to delegate to such Committee, either generally or in relation to any specified Part of the United Kingdom, such of the Powers and Duties vested in the Council as the Council may see fit, other than the Powers to make general Rules or Regulations as to the Course of Study or Examination; and any Two of the Members of any such Committee shall be competent to exercise and perform the Powers and Duties delegated to such Committee.

Members of Council resident in Scotland and Ireland to be Members of Committees for those Parts.

X. The Members of the Council resident in Scotland shall be appointed Members of every such Committee appointed for or in relation to Scotland, and the Members of such Council resident in Ireland shall be appointed Members of every such Committee appointed for or in relation to Ireland.

Boards of Examiners.

XI. For the Examination of Persons desirous of entering the Medical Profession after the First Day of December One thousand eight hundred and fifty-six, there shall be established in England, Scotland, and Ireland respectively, Two Boards of Examiners, hereinafter called respectively the "Preliminary Board" and the "Professional Board."

Examiners in Preliminary and Professional Education.

The Preliminary Board shall be established for the preliminary Examination in general Education, and shall consist of such Persons as the Council may from Time to Time appoint, and the Examiners so appointed shall hold Office during the Pleasure of the Council, and receive such Remuneration as the Council shall direct; and no Person other than a Graduate in Arts of some University of the United Kingdom, or of some Foreign University approved by the Council, shall be entitled to present himself

himself for Examination before the Professional Board, unless he shall have received from the Preliminary Board a Certificate of Approval in such Form as the Council may direct, for which Certificate the Person receiving it shall pay such Fee as the Council shall appoint, not exceeding Five Pounds.

The Professional Board shall be established for the Examination in professional Education, and shall consist of Examiners appointed as herein-after mentioned; that is to say,

Bodies to appoint such Examiners.

The Board for England of Examiners to be appointed by the College of Physicians of London and by the College of Surgeons of England, and until the Year One thousand eight hundred and sixty-five by the Society of Apothecaries of London respectively; and of Examiners to be appointed by the Universities of Oxford, Cambridge, and London respectively.

The Board for Scotland of Examiners to be appointed by the College of Physicians of Edinburgh, by the College of Surgeons of Edinburgh, and by the Faculty of Physicians and Surgeons of Glasgow respectively; and of Examiners to be appointed by the Universities of Edinburgh and Glasgow respectively, and by the Two Universities of Aberdeen conjointly.

The Board for Ireland of Examiners to be appointed by the College of Physicians of Ireland, by the College of Surgeons of Ireland, and until the Year One thousand eight hundred and sixty-five by the Governor and Company of the Apothecaries Hall of Dublin respectively; and of Examiners to be appointed by the University of Dublin and by the Queen's University respectively.

Any Person who shall have passed the Examination of the Professional Board to the Satisfaction of the Council shall be entitled to a Certificate of his Qualification to practise in such Form as the Council may direct, for which Certificate the Person receiving it shall pay such Fee as the Council shall from Time to Time appoint, not exceeding Twenty-five Pounds; and all Monies so received by any of the said Boards under the Provisions of this Section shall be paid to the Treasurer of the Council.

Number of Examiners are to be determined by the Council.

XII. The Council shall determine the total Number of Examiners to constitute the Professional Board for each Part of the United Kingdom, and may from Time to Time alter any such total Number, and shall determine and may from Time to Time alter the Proportions in which the several appointing Bodies in the last Section preceding mentioned shall appoint the Examiners constituting any such Board, and the Branches of Science and Practice for which such several Bodies shall appoint.

XIII. The

Council to make Rules concerning Examinations.

XIII. The Council shall make from Time to Time such Rules as they think fit, as to the Age and Times at which Candidates shall be admissible to the respective Examinations under this Act, and as to the Subjects or Branches of Education, Science, and Practice in relation to which such Examinations shall be had, and as to the Degrees of Proficiency, and the Certificates of Character which they shall be required to produce, which Candidates shall be required to have attained in order to be entitled to Certificates from the respective Boards of Examiners, and as to the Course of Study which Candidates shall be required to have pursued previous to Admission to the professional Examination, and as to the Time, Place, and Manner of holding such respective Examinations, and as to such other Matters as are placed under the Direction of the Council by this Act; and all Rules to be made by the Council under this Act shall be laid before both Houses of Parliament within One Month after the making thereof, if Parliament be sitting, or if Parliament be not sitting, then within One Month after the next Meeting of Parliament.

Appointments annual, if omitted, to be made by the Council.

XIV. The several Examiners shall be appointed in each Year, at such Time as the Council shall direct, casual Vacancies shall be filled up by the Bodies having the Right of Appointment with all convenient Speed after the happening thereof, and every Examiner, whether appointed at the yearly Appointment or to supply a casual Vacancy, shall go out of Office at the next yearly Time of Appointment, but may be re-appointed: Provided always, that if at any Time any of the above-mentioned Bodies decline to appoint Examiners or fail to make such Appointment as aforesaid within a Period of One Month from the Time at which they are directed to make it, or from the Time at which any such casual Vacancy shall occur, the Council may appoint Examiners instead of those so omitted to be appointed, and the Examiners so appointed by the Council shall receive such Remuneration as the Council shall direct.

List of Examiners to be furnished.

XV. The Bodies having Right of Appointment shall furnish to the Council within a Week of the Appointment of Examiners a List of the Examiners so appointed, and no Appointment of an Examiner shall be valid unless it be so notified to the Council.

Council may be present at Examinations.

XVI. The Members of the Council and any Person deputed by the Council, and any one registered under this Act, shall have free Access to all Examinations conducted by the Professional Boards.

New Charter may be granted to the College of Physicians of London.

XVII. It shall be lawful for Her Majesty to grant to the Corporation of the Royal College of Physicians of London a new Charter, and thereby to give to such Corporation the Name of "The Royal College of Physicians of England," and to make such Alterations in the

the Constitution of the said Corporation as to Her Majesty may seem expedient; and it shall be lawful for the said Corporation to accept such Charter under their Common Seal, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to the said Corporation, except the Charter granted by King Henry the Eighth, and shall also operate as a Surrender of such Charter and as a Repeal of the Act of the Session holden in the Fourteenth and Fifteenth Years of King Henry the Eighth, Chapter Five, confirming the same so far as such Charter and Act respectively may be inconsistent with such new Charter.

New Charters may be granted to Colleges of Physicians and Surgeons of Edinburgh, so as to include the Faculty of Physicians and Surgeons of Glasgow.

XVIII. It shall be lawful for Her Majesty to grant to the respective Corporations of the Royal College of Physicians of Edinburgh and the Royal College of Surgeons of Edinbugh new Charters, and thereby to give to the said College of Physicians the Name of "The Royal College of Physicians of Scotland," and to the said College of Surgeons the Name of "The Royal College of Surgeons of Scotland," and to make such Alterations in the Constitution of the said Corporations as to Her Majesty may seem expedient, such new Charters to constitute or provide for constituting every Member of the Corporation of the Faculty of Physicians and Surgeons of Glasgow a Member either of such College of Physicians of Scotland or of such College of Surgeons of Scotland, with the same Rights, Privileges, and Advantages as shall be given to Members of the said College of Physicians and Surgeons of Edinburgh respectively, and it shall be lawful for the said Colleges and Faculty respectively, under their respective Common Seals, to accept such new Charters, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to the said several Corporations, and thenceforth the Examiners who would have been appointed from Time to Time under this Act by the Faculty of Physicians and Surgeons of Glasgow shall be appointed in equal Proportions by the said College of Physicians of Scotland and College of Surgeons of Scotland.

Charters not to contain Restrictions in the Practice of Physic or Surgery.

XIX. Provided always, That nothing herein contained shall extend to authorize Her Majesty to create any Restriction in the Practice of Physic or Surgery, or to grant to any of the said Corporations any Powers or Privileges contrary to the common Law of the Land, or to the Provisions of this Act, and that no such new Charter shall in anywise prejudice, affect, or annul any of the existing Statutes or Byelaws of the Corporations to which the same shall be granted further than shall be necessary for giving full Effect to the Alterations which shall be intended to be effected by such new Charters and by this Act to the Constitution of such Corporation.

Appointment of Registrar,

XX. The President of the Board of Health shall from Time to Time appoint from among Persons qualified to be registered under this

this Act, a Medical Registrar for the United Kingdom, and One Assistant Medical Registrar for Scotland, and One Assistant Medical Registrar for Ireland, and also shall appoint a Treasurer, and such Clerks and other Officers as the said President of the Board of Health may deem necessary, and may from Time to Time remove any Registrar or other Person so appointed; and the Salaries of the said Registrar, Assistant Registrars, Clerks, and other Officers shall be fixed from Time to Time by the said President of the Board of Health, with the Approval of the Commissioners of Her Majesty's Treasury, and shall be paid, together with all reasonable Expenses incurred by the Medical Registrar in the Execution of his Duties under this Act, out of any Moneys which may from Time to Time be provided by Parliament for that Purpose.

Assistant Registrars, and other Officers.

XXI. The said Registrar shall keep a General Register of Medical Practitioners, in which shall be entered the Name and Place of Residence and Date of Registration of every registered Person, and the Qualification or Qualifications in respect whereof he is registered; the Name and Situation of the Body, University, or College from which the Qualification is derived; and such other Particulars in relation to such Qualification or Qualifications as the Council by their Rules shall from Time to Time direct; and upon Notice being given by any registered Person of any Change in his Name and Designation or Place of Residence, the said Registrar shall amend the Register accordingly.

Registrar to keep an alphabetical Register of Medical Practitioners.

XXII. Every Person who before the First Day of December One thousand eight hundred and fifty-six is possessed of any one or more of the Qualifications described in the Schedule (B.) shall be entitled to be registered according to his Qualification or Qualifications, on producing, before the First Day of January One thousand eight hundred and fifty-seven, to the Medical Registrar, or to the Assistant Medical Registrars in Scotland or Ireland, the Document conferring or evidencing the Qualification or each of the Qualifications in respect whereof he seeks to be so registered; or if he be a Person who was actually practising Medicine in England and Wales prior to the First Day of August One thousand eight hundred and fifteen, on signing a Declaration according to the Form in Schedule (C.), or upon transmitting, before the said First Day of January One thousand eight hundred and fifty-seven, by Post, to the Medical Registrar or One of such Assistant Medical Registrars Information of his Name and Address, and of the Qualification or Qualifications, including such Declaration as aforesaid, in respect whereof he seeks to be registered, and of the Time or Times at which the same was or were respectively obtained: Provided always, that it shall be lawful for the several Colleges and

Registration of Persons in Practice before the 1st December 1856.

other Bodies mentioned in the said Schedule (B.) to transmit to the said Registrar before the said First Day of January One thousand eight hundred and fifty-seven Lists certified under their respective Seals of the several Persons who, in respect of Qualifications granted by such Colleges and Bodies respectively before the said First Day of December One thousand eight hundred and fifty-six, are entitled to be registered under this Act, stating the respective Qualifications and Places of Residence of such Persons; and it shall be lawful for the Registrar thereupon to enter on the Register the Persons mentioned in such Lists, with their Qualifications and Places of Residence as therein stated, without other Application in relation thereto; provided also, that any Person possessed before the said First Day of December One thousand eight hundred and fifty-six of any such Qualification as aforesaid, who does not make Application as aforesaid to be registered before the First Day of January One thousand eight hundred and fifty-seven, and who has not been included in any List transmitted as aforesaid, shall upon such Production or Transmission by him as herein-before mentioned be entitled, upon Payment of a Sum of Two Pounds, to be registered according to his Qualification or Qualifications.

As to Registration by Assistant Registrars.

XXIII. Where any Person entitled to be registered under this Act applies to either of the Assistant Medical Registrars for that Purpose, such Assistant Registrar shall forthwith enter in a Local Register to be kept by him for that Purpose the like Particulars in relation to such Person as are herein-before required to be entered in the General Register, and shall with all convenient Speed send to the Medical Registrar a Copy, certified under the Hand of such Assistant Registrar, of the Entry so made, and the Medical Registrar shall forthwith cause the same to be entered in the General Register; and the Entry on the General Register shall bear Date from the Local Register.

Evidence of Qualification to be given before Registration.

XXIV. No Qualification shall be entered on the Register, either on the First Registration or by way of Addition to a registered Name, unless the Medical Registrar or the Assistant Medical Registrar, as the Case may be, be satisfied by the proper Evidence that the Person claiming is entitled to it; and any Appeal from the Decision of the Registrar or Assistant Registrar may be decided by the Council, or by the several Committees of the Council appointed to act for this Purpose in England, Scotland, and Ireland respectively; and any Entry which shall be proved to the Satisfaction of such Council or Committees of the Council to have been fraudulently or incorrectly made, may be erased from the Register by Order, in Writing, of such Council or Committees of the Council.

XXV. The

Register to be published.

XXV. The Registrar shall in every Year cause to be printed, published, and sold, under the Direction of the Council, a correct Register, in alphabetical Order according to the Surnames in the Form in Schedule (D.), of the Names, Places of Residence, and other Particulars herein-before required of all Persons appearing on the General Register as existing on the First Day of January in every Year; and such Register shall be called "The Medical Register;" and a Copy of the Medical Register for the Time being, purporting to be so printed and published as aforesaid, shall be Evidence in all Courts and before all Justices of the Peace and others that the Persons therein specified are registered according to the Provisions of this Act; and the Absence of the Name of any Person from such Copy shall be Evidence, until the Contrary be made to appear, that such Person is not registered according to the Provisions of this Act: Provided always, that in the Case of any Person whose Name does not appear in such Copy, a certified Copy under the Hand of the Medical or Assistant Medical Registrar of the Entry of the Name of such Person on the General or Local Register shall be Evidence that such Person is registered under the Provisions of this Act.

Certificate from Medical Examiners to entitle to Registration as a "Licentiate in Medicine and Surgery."

XXVI. Every Person who shall receive a Certificate of his Qualification to practise under the Provisions of this Act shall be entitled to be registered in the Register of Medical Practitioners as a "Licentiate in Medicine and Surgery," upon the Production of such Certificate to the Medical Registrar or to One of the said Assistant Medical Registrars.

Rights of Persons registered under Qualifications existing before 1st December 1856.

XXVII. Every Person registered in respect of any Qualification possessed by him before the First Day of December One thousand eight hundred and fifty-six shall be entitled in every Part of the United Kingdom to practise according to the Nature of his Qualification.

Right of Licentiate in Medicine and Surgery.

XXVIII. Every Person registered as a Licentiate in Medicine and Surgery shall have the Right to practise in Medicine, Surgery, Midwifery, and Pharmacy in every Part of the United Kingdom.

Right of existing Practitioners to be registered as Licentiates in Medicine and Surgery in certain Cases.

XXIX. Every Person entitled to be registered in respect of any Qualification as a Surgeon existing on or before the First Day of December One thousand eight hundred and fifty-six, and also to be registered in respect of any Qualification then existing as an Apothecary may, if he think fit, require to be registered as Licentiate in Medicine and Surgery.

Right conferred by Complementary Examination.

XXX. Every Person who before the First Day of December One thousand eight hundred and fifty-six shall have been registered in

respect of One only of such Qualifications in the last preceding Section mentioned, and who shall have subsequently passed such Complementary Examination as the Council shall direct before any Professional Board, and have obtained such Complementary Certificate as the Council shall direct, for which he shall pay such Fee as the Council shall determine, not exceeding Twelve Pounds, shall be entitled to alter his Qualification in the Register to that of Licentiate in Medicine and Surgery.

Names struck off from List of College to be erased from Register.

XXXI. If any of the said Colleges or the said Faculty at any Time exercise any Power they possess by Law of striking off from the List of such College or Faculty the Name of any one of their Members, such College or Faculty shall signify to the Medical Registrar the Name of the Member so struck off; and the Medical Registrar shall erase forthwith from the Register the Qualification derived from such College or Faculty in respect of which such Member was registered, and the Registrar shall note the same therein.

Medical Practitioners convicted of Felony may be struck off the Register.

XXXII. If any registered Medical Practitioner shall be convicted in England or Ireland of any Felony or Misdemeanor, or in Scotland of any Crime or Offence, the Council may, if they see fit, direct the Registrar to erase the Name of such Medical Practitioner from the Register.

No Right to Registration except such as conferred by this Act.

XXXIII. No Person not possessed before the said First Day of December One thousand eight hundred and fifty-six of One or more of the Qualifications mentioned in Schedule (B.) shall be entitled to be registered under this Act unless he shall produce the Certificate herein-before required to entitle him to be registered under this Act as a Licentiate in Medicine and Surgery.

Registered Persons may have subsequent Qualifications inserted in the Register,

XXXIV. Every Person registered under this Act who may at any Time have obtained the Degree of Bachelor of Medicine or Doctor of Medicine in any University of the United Kingdom, or become a Fellow or Licentiate of a College of Physicians of the United Kingdom, or a Fellow of a College of Surgeons of the United Kingdom, or a Fellow of the Faculty of Physicians and Surgeons of Glasgow, shall be entitled to have such additional Qualification inserted in the Register.

Unregistered Persons not to hold certain Appointments.

XXXV. After the First Day of January One thousand eight hundred and fifty-seven, no Person shall hold any Appointment as a Physician, Surgeon, or other Medical Officer either in the Military or Naval Service, or in Emigrant or other Vessels, or in any Hospital, Infirmary,

Infirmary, Dispensary, or Lying-in Hospital, not supported wholly by voluntary Contributions, or in any Lunatic Asylum, Gaol, Penitentiary, House of Correction, House of Industry, Parochial or Union Workhouse or Poorhouse, Parish Union, or other public Establishment, Body, or Institution, or to any Friendly or other Society for affording mutual Relief in Sickness, Infirmity, or old Age, or as a Medical Officer of Health, unless he be registered under this Act.

No Certificate to be valid unless Person signing be registered.

XXXVI. After the First Day of January Eighteen hundred and fifty-seven no Certificate required by any Act now in force or that may hereafter be passed from any Physician, Surgeon, Licentiate in Medicine and Surgery, or other Medical Practitioner shall be valid unless the Person signing the same be registered under this Act.

Application of Monies received by Treasurer.

XXXVII. All Monies received by the Treasurer arising from Fees to be paid on Examination, and on Registration from the Sale of Registers, from Penalties, or otherwise, shall be applied as follows:

1st. For such Expenses of Registration and of the Execution of this Act as are not otherwise provided for.

2d. For the Payment of the several Examiners appointed by the Council.

3d. For Division among the several Bodies appointing the Examiners of the Professional Boards, in such Proportion as the Council, having reference to the Number and Employment of Examiners by such Bodies respectively appointed, shall from Time to Time determine.

4th. For Payment in such Proportion as the Council shall from Time to Time determine, in aid of the Museums or other scientific and professional Objects of the several Royal Colleges of Physicians or Surgeons, and of the Faculty of Physicians and Surgeons of Glasgow.

Advance of Monies by the Commissioners of Her Majesty's Treasury.

XXXVIII. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to advance and pay out of such Monies as may be provided by Parliament for this Purpose, such Monies as may be required for the Expenses incurred by or under the Authority of the Council in the Execution of this Act in the meantime, until sufficient Money for that Purpose shall be received from the Fees payable under this Act.

Accounts to be published.

XXXIX. The Treasurer of the Medical Council shall enter in Books to be kept for that Purpose a true Account of all Sums of Money by him received and paid, and such Accounts shall, in the Months of June and December in every Year, be submitted by him to the Medical Council, and if the said Accounts be found to be

correct, the President shall sign the same, and they shall be laid before both Houses of Parliament in the Month of January in every Year if Parliament be sitting, or if Parliament be not sitting, then within One Month after the next Meeting of Parliament.

Pharmacopœia.

XL. The Medical Council shall cause to be published under their Direction and Authority a Book containing a List of Medicines and Compounds, and the Manner of preparing them, together with the true Weights and Measures by which they are to be prepared and mixed, and containing such other Matter and Things relating thereto as the Medical Council shall think fit, to be called "British Pharmacopœia;" and the Medical Council shall alter, amend, and cause to be republished such Pharmacopœia as often as they shall deem it necessary.

Privileges of registered Persons.

XLI. Every Person registered under this Act shall be entitled to demand and recover in any Court of Law, with full Costs of Suit, reasonable Charges for Medical and Surgical Aid, Advice, Visits, and Medicine rendered or supplied by him to his Patients.

None but registered Persons to recover Charges.

XLII. After the said First Day of January One thousand eight hundred and fifty-seven, no Person shall be entitled to recover any Charge in any Court of Law for any Medical or Surgical Advice, Attendance, or for the Performance of any Operation, or for any Medicine prescribed, administered, or supplied by him, unless he shall prove upon the Trial that he is registered under this Act.

Interpetration of Words.

XLIII. After the First Day of January One thousand eight hundred and fifty-seven the Words "legally qualified Medical Practitioner" or "duly qualified Medical Practitioner," or any Words importing a Person recognized by law as a Medical Practioner, when used in any Act of Parliament, shall be construed to mean a Person registered under this Act.

Wilful Falsification of Register.

XLIV. Any Medical or Assistant Medical Registrar who shall wilfully make or cause to be made any Falsification in any Matters relating to the Register shall be deemed guilty of a Misdemeanor in England or Ireland, and in Scotland of a Crime or Offence, and shall on Conviction thereof be sentenced to be imprisoned for any Term not exceeding Twelve Months.

Penalty for falsely pretending to be a registered Person.

XLV. Every Person who shall wilfully and falsely pretend to be or take or use the Name or Title of a Physician, Doctor of Medicine, Licentiate in Medicine and Surgery, Bachelor of Medicine, Surgeon, or Apothecary, or any Name, Title, Addition, or Description implying that

that he is registered under this Act, or that he is recognized by Law as a Licentiate in Medicine and Surgery, Physician, or Surgeon, or Apothecary, or a Practitioner in Medicine, shall on being summarily convicted of every such Offence before any Two Justices of the Peace for the County, City, or Place, or in Scotland before a Sheriff of the County or before the Justice of the Peace Court for the District in which the Offence was committed, pay a Sum not exceeding Twenty Pounds nor less than Five Pounds, to be recoverable as herein-after described, together with all Costs.

How Penalties are to be recovered.

XLVI. Any Two Justices of the Peace acting in and for the County, City, or Place, or in Scotland, a Sheriff of the County, or the Justice of Peace Court for the District in which the Offence has been committed may hear and determine any Complaint made under the next preceding Clause, on the Oath of One or more Witnesses, or by the Confession of the accused Party, and shall award the Penalty or Punishment herein provided for such Offence; and in every Case of the Adjudication of a pecuniary Penalty and of Nonpayment thereof, it shall be lawful for the said Justices, or in Scotland, for the said Sheriff or Justice of Peace Court, to commit the Offender to any Gaol or House of Correction within his Jurisdiction for a Term not exceeding Six Calendar Months, the Imprisonment to cease on Payment of the Sum due.

Penalty for obtaining Registration by false Representations.

XLVII. If any Person shall wilfully procure or attempt to procure himself to be registered under this Act, by making or producing or causing to be made or produced any false or fraudulent Representation or Declaration, either verbally or in Writing, every such Person so offending, and every Person aiding and assisting him therein, shall be deemed guilty of a Misdemeanor in England and Ireland, and in Scotland of a Crime and Offence, and shall on Conviction thereof be sentenced to be imprisoned for any Term not exceeding Twelve Months.

Application of Penalties.

XLVIII. Any Sum or Sums of Money arising from Conviction and Recovery of Penalties as aforesaid shall be paid to the Treasurer of the Medical Council.

Registered Persons exempted from serving on Juries, &c.

XLIX. Every Person who shall be registered under the Provisions of this Act shall be exempt, if he shall so desire, from serving on all Juries and Inquests whatsoever, and from serving all Corporate, Parochial, Ward, Hundred, and Township Offices, and from serving in the Militia, and the Name of such Person shall not be returned in any List of Persons liable to serve in the Militia, or in any such Office as aforesaid.

Provision for Persons practising in the Colonies and for Students.

L. It shall be lawful for the Medical Council to make Regulations for dispensing with such Provisions of this Act as to them shall seem fit, in favour of Persons now practising Medicine or Surgery out of the United Kingdom, by virtue of any of the Qualifications enumerated in Schedule (B.); and also in favour of Persons who after due Examination shall have obtained any Foreign or Colonial Diploma or Degree which, in the Country where such Diploma or Degree has been granted, would entitle the Holder to practise Medicine or Surgery; or in favour of such Foreign Medical Practitioners as may at the Time of the passing of this Act be holding any Medical Appointment in any Hospital or Public Institution; and also in favour of any Surgeons or Assistant Surgeons in the Army, Navy, or Militia; and also in favour of Medical Students who shall have commenced their professional Studies before the passing of this Act.

Notice of Death of Medical Practitioners to be given by Registrars.

LI. Every Registrar of Deaths in the United Kingdom on receiving Notice of the Death of any Medical Practitioner shall forthwith transmit by Post to the Medical Registrar a Certificate under his own Hand of such Death, with the Particulars of Time and Place of Death, and may charge the Cost of such Certificate and Transmission as an Expense of his Office, and on the Receipt of such Certificate the Medical Registrar shall erase the Name of such deceased Medical Practitioner from the Register.

Chemists, &c. not to be affected.

LII. Nothing in this Act contained shall extend or be construed to extend to prejudice or in any way to affect the lawful Occupation, Trade, or Business of Chemists and Druggists.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Of Acts and Parts of Acts to be repealed.

Date of Act.	Title.	Extent of Repeal.
3 H. 8. c. 11.	An Act for the appointing Physicians and Surgeons.	The whole.
5 H. 8. c. 6.	An Act concerning Surgeons to be discharged of Quests and other Things.	The whole.
32 H. 8. c. 40.	For Physicians and their Privilege.	Sections 1 and 3.
32 H. 8. c. 40.	For Barbers and Surgeons.	The whole.
34 & 35 H. 8. c. 8.	A Bill that Persons, being no common Surgeons, may minister Medicines notwithstanding the Statute.	The whole.
1 M. sess. 2. c. 9.	An Act touching the Corporation of the Physicians in London.	The whole.
6 & 7 W. 3. c. 4.	An Act for exempting Apothecaries from serving the Offices of Constable, Scavenger, and other Parish and Ward Offices, and from serving upon Juries.	The whole.
18 G. 2. c. 15.	An Act for making the Surgeons of London and the Barbers of London Two separate and distinct Corporations.	Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11.
55 G. 3. c. 194.	An Act for better regulating the Practice of Apothecaries throughout England and Wales.	Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24.
6 G. 4. c. 50.	An Act for consolidating and amending the Laws relative to Jurors and Juries.	So much of Section 2 as relates to the Exemption of Medical Practitioners.
13 & 14 Vict. c. 20. (Local & Personal.)	An Act for better regulating the Privileges of the Faculty of Physicians and Surgeons of Glasgow, and amending their Charter of Incorporation.	Section 3.

SCHEDULE (B.)

1. Fellow, Licentiate, or Extra Licentiate of the Royal College of Physicians of London.
2. Fellow or Licentiate of the Royal College of Physicians of Edinburgh.
3. Fellow or Licentiate of the King's and Queen's College of Physicians of Ireland.
4. Fellow or Member of the Royal College of Surgeons of England.
5. Fellow or Licentiate of the Royal College of Surgeons of Edinburgh.
6. Fellow or Licentiate of the Faculty of Physicians and Surgeons of Glasgow.
7. Fellow or Licentiate of the Royal College of Surgeons in Ireland.
8. Licentiate of the Society of Apothecaries, London.
9. Licentiate of the Apothecaries Hall, Dublin.
10. Doctor, or Bachelor, or Licentiate of Medicine, or Master in Surgery of any University of the United Kingdom.
11. Doctor of Medicine of any Foreign University, practising as a Physician in the United Kingdom at the Time of the passing of this Act, who shall produce Certificates of his having taken his Degree of Doctor of Medicine after regular Examination, and of having resided during a Period of not less than Two Years in some University previous to the taking of such Degree.

SCHEDULE (C.)

DECLARATION required of a Person who claims to be registered as a Medical Practitioner, upon the ground that he was in Practice as a Medical Practitioner before the First Day of August 1815:—

To the Registrar of the Medical Council.

I, , residing at , in the County of , hereby declare that I was practising as a Medical Practitioner, at , in the County of , before the First Day of August 1815.

(Signed) [*Name.*]

Dated this Day of 185

SCHEDULE (D.)

The MEDICAL REGISTER for the United Kingdom of Great Britain and Ireland, consisting of the Names and Places of Residence, with a Description of the Medical Titles or Qualifications, and the Dates thereof, of all Persons legally qualified to practise Medicine in the United Kingdom in the Year 18 .

ENGLAND.

Name.	Medical Title or Qualification.	Place of Residence.	Date of Registration.
A. A.	Doctor of Medicine of the University of London, 1851.	30, Brook Street, London.	Jan. 1, 1857.
B. A.	Licentiate of the Apothecaries Society of London, 1848; Member of the Royal College of Surgeons of England, 1848.	100, Headlam Sq., Newcastle.	,,
C. A.	Doctor of Medicine of the University of Cambridge, 1840; Fellow of the Royal College of Physicians of London, 1850.	20, Grosvenor Street, London.	,,
D. A.	Licentiate in Medicine and Surgery, 1857.	33, Cowper's Court, London.	,,

SCOTLAND.

A. A.	Doctor of Medicine of University of Glasgow, 1850.	11, Buchanan Street, Glasgow.	,,
B. A.	Licentiate in Medicine and Surgery, 1857; Fellow of the Royal College of Physicians, Edinburgh, 1858.	13, Elcho Place, Edinburgh.	,,
C. A.	Doctor of Medicine of University of Edinburgh, 1840; Fellow of Royal College of Surgeons, Edinburgh, 1846.	1, Craufurd Street, Ayr.	,,

IRELAND.

A. A.	Licentiate in Medicine and Surgery, 1857; Fellow of Royal College of Surgeons in Ireland, 1860.	3, Merrion Square, Dublin.	,,
B. A.	Licentiate of the Apothecaries' Hall -	4, Brady Street, Leitrim.	,,
C. A.	Doctor of Medicine of the University of Dublin.	10, Napier Street, Dublin.	,

Medical Profession.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To alter and amend the Laws regulating the Medical Profession.

(*Prepared and brought in by Mr. Headlam, Mr. Brady, and Mr. Craufurd.*)

Ordered, by The House of Commons, *to be Printed,* 10 *June* 1856.

Under 3 oz.

[Bill 170.]

A

B I L L

FOR

Regulating and Improving the Medical Profession.

Preamble.

WHEREAS the Laws now in force concerning the Medical Profession require to be amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this Parliament assembled, and by the Authority of the same, as follows:

Repeal of Acts.

I. The several Acts of Parliament mentioned in Schedule (A.) hereunto annexed shall be and the same are hereby repealed, in so far as the same are inconsistent with the Provisions contained in this Act.

Interpretation Clause.

II. The Words and Expressions following shall have the Signification hereby given to them, unless there be anything in the Context repugnant to such Signification: "Medical Practice," or "Medical Profession," shall include and signify the Practice of Medicine, Surgery, Midwifery, and Pharmacy; "Medical" shall include "Surgical;" "Council" shall signify the Medical Council constituted under this Act; "Registrar," "Secretary," and "Treasurer" shall signify respectively the Registrar, Secretary, and Treasurer for the Time being to the Council in England, or in Scotland, or in Ireland, as the Case may be.

Appointment of Medical Council for United Kingdom.

III. A Council shall be established, which shall be styled "The Medical Council for the United Kingdom," which Council shall consist of the President of the Board of Health, and of *Eight* Members of the Medical Profession, to be selected as herein-after provided.

Mode of appointing the Council.

IV. The several Bodies contained in the Schedule (B.) hereunto annexed shall, each within *Three* Months after the passing of this Act, transmit to Her Majesty's Principal Secretary of State for the Home Department the Names of *Eight* Persons holding Degrees, Diplomas, or Licences from such Bodies respectively, out of which Names *Eight* Persons shall be selected by Her Majesty, with the Advice of Her Privy Council, who, with the President of the Board of Health, shall form the Medical Council for the Purposes of this Act, and of the said Council *Four* Members shall be resident in England, *Two* shall be resident in Scotland, and *Two* shall be resident in Ireland.

President, Tenure of Office, and subsequent Appointments of Council.

V. The President of the Board of Health shall always be a Member of Council, and be the President of the Council in virtue of his Office; and every other Member of the Council shall be a Member thereof for *Five* Years, and shall then go out of Office, when the Council shall be re-appointed, either by Election from Lists to be sent as aforesaid from the Bodies specified in the said Schedule (B.), or by the Re-appointment of the Members so going out of Office; and upon every occasional Vacancy among the Members during such *Five* Years such Vacancy shall be forthwith filled up by Her Majesty, with the Advice of Her Privy Council, the new Member being chosen for England, Scotland, or Ireland respectively from the Lists sent as aforesaid from the said Bodies specified in the said Schedule (B.), in such Manner as at all Times to maintain the above Proportion of Members from these respective Parts of the United Kingdom.

Sub-Councils.

VI. To the Extent herein-after mentioned, the carrying into effect the Powers and Duties by this Act vested in the Council may be devolved by the Council upon the Sub-Councils for England, Scotland, and Ireland respectively herein-after mentioned.

First Meeting of Council.

Vice-President.

Voting.

VII. The Medical Council shall, as soon as may be after the same has been appointed, meet in London at such Place and Time as shall be appointed by One of Her Majesty's Secretaries of State, by Notice given to the various Members; and the Council shall from their own Body elect a Vice-President; and the President, or in his Absence such Vice-President, shall, besides his own, in the event of an Equality of Votes, have an additional or casting Vote in all Matters; and, subject to this Provision, every Question brought before the Council shall

shall be decided by a Majority of Votes of those present at the Meeting.

Council to fix Qualifications for Practice

VIII. Within *Three* Months of its Appointment, the said Medical Council shall determine the Course of Study and the Amount of Examination without which no Person shall be permitted to enter upon Medical Practice, and shall also fix the Age under which Certificate or Licence to practise shall not be given; and the whole Matters as to Amount of Study, Examination, and Age shall be reconsidered by the Council at least once in every *Three* Years; and their Determination thereon shall remain in force until the same be altered by the Council.

Rules to be reconsidered *triennially*, and to subsist till altered by Council.

Bodies whose Degrees and Diplomas are to be recognised.

IX. The Degrees, or Diplomas, or Licences, as Physicians, or Surgeons, or Apothecaries, of all the Universities in Great Britain and Ireland, and other Corporations within the Kingdom which are at present authorized to confer Degrees, Diplomas, or Licences, shall be recognized by the Council as Qualifications for Registration with a view to Practice; provided that as to all Persons entering on Medical Practice after *the passing of this Act* the Requirements established by the Council as to Course of Study, the Mode and Extent of Examination, and Age, shall have been fulfilled by the said Universities and Corporations, excepting in so far as the same shall have been dispensed with by the Council in favour of Medical Students whose Medical Studies were commenced before *the passing of this Act.*

Present Students.

X. It shall be lawful for the Council to make Regulations for dispensing with such Parts of the Study and Examination fixed under this Act as to them shall seem fit, in favour of Medical Students whose Medical Studies were commenced before *the passing of this Act.*

Bodies may unite in Examinations.

XI. For the Purposes of such Examination, any *Two* or more of the said Corporations whose Examinations separately do not embrace the whole Course of Examination so to be prescribed may, with the Sanction of the Council, unite for the Purpose of Examination; provided that the whole of the prescribed Examination shall take place by Corporations named in the said Schedule (B.)

Rules for Examinations.

XII. In order to ensure Efficiency and Equality of Examination, all the Members of the Council, or any Person appointed by the Council or by One of the said Sub-Councils, and also any qualified and registered Practitioner, shall have free Access to all Examinations of Students or Candidates, and to the Records of such Examinations,

and shall also have Right to accompany the Students or Candidates to Hospitals or Infirmaries.

Council to have Power to refuse Registration in certain Cases.

XIII. If at any Time the Council shall be satisfied that any University or Corporation is not complying with and carrying into effect the Requirements established by the Council as aforesaid or any of them, or is granting, conferring, or issuing Degrees, Diplomas, or Licences without such Compliance, the Council shall be and is hereby empowered and required to refuse to recognise as Qualifications for Registration the Degrees, Diplomas, or Licences granted, conferred, or issued by such University or Corporation, during such Noncompliance; and the Resolutions of the Council with regard to all such Matters shall be entered in the Minutes or Record of the Council, and shall be signed by the President of the Meeting, or otherwise authenticated as the Council shall direct; and a Copy or Extract, signed by the Registrar, and sealed or stamped with the Seal of the Council, shall be Evidence in all Courts and Places whatsoever, as well of such Resolution and of such Minute, as of all Matters and Facts therein embraced and stated.

Registration and Certificate made necessary Qualifications for Practice.

XIV. No Degree or Diploma or Licence already issued, and no Degree or Diploma or Licence to be hereafter issued, by any Body whatever, shall qualify or entitle the Holder, after next after the passing of this Act, to enter upon or continue Medical Practice within any Part of the United Kingdom until he shall have produced the same to the Council or to One of the said Sub-Councils, and until his Name and Residence, with his Medical Title or Qualification, has been entered in the Register, and a Certificate in Terms of this Act has been obtained.

Register.

XV. A Register shall be kept by the Council, in suitable Books to be furnished by them, of the Name and Residence as well as of the Medical Titles and Dates of Titles granted by any of the Universities or other Corporations mentioned in Schedule (B.), of every Medical Practitioner who shall apply to be registered, and who prior to *the passing of this Act*, shall have obtained a Degree of Diploma in Medicine or Surgery, or Licence as an Apothecary, from any of the said Bodies authorized to confer such Degrees, Diplomas, or Licences, and shall produce the same, or a duly attested Certificate or other Proof satisfactory to the Council or Sub-Council of his having prior to *the passing of this Act* obtained such Degree or Diploma or Licence, and also of every Medical Practitioner who shall so apply to be registered, who after *the passing of this Act* shall obtain and who shall produce a Degree or Diploma or Licence by any of the said Universities or Bodies mentioned in Schedule (B.), or such Proof thereof

thereof as aforesaid; and such Register shall be the Warrant for the Issue of Certificates by the Registrars as herein-after provided; and the Books or Registers shall be the Property of the Council, and shall be kept and preserved in such Places and under such Rules as they may make or appoint.

Places where Registers to be kept.

XVI. Three Books shall always be kept for such Registration; One in England, One in Scotland, and One in Ireland; and the Register in England shall be kept under the Superintendence and Control of the Members of Council resident in England, who shall form a Sub-Council for England, and shall meet in London; and the Register in Scotland shall be kept under the Superintendance and Control of the Members of Council resident in Scotland, who shall form a Sub-Council for Scotland, and shall meet in Edinburgh; and the Register in Ireland shall be kept under the Superintendence and Control of the Members of Council resident in Ireland, who shall form a Sub-Council for Ireland, and shall meet in Dublin.

Places where Registration to be effected.

XVII. Such Registration may take place in England, or in Scotland, or in Ireland, of any duly qualified Practitioner resident in any of the Colonies or elsewhere beyond the United Kingdom; but the original and every renewed Registration of every Practitioner resident in England and Wales or in Berwick-upon-Tweed, the Channel Islands or the Isle of Man, shall take place only in England, and the Registration of every Practitioner resident in Scotland shall take place only in Scotland; and the Registraction of every Practitioner resident in Ireland shall take place only in Ireland; and any registered Medical Practitioner who shall change his Residence from one Part of the United Kingdom to another shall, at the annual Registration occurring next after such Change of Residence, effect his Registration with and obtain his Certificate from the Sub-Council and Registrar for that Part of the United Kingdom within which his new Residence is locally situated; and in order to obtain such Registration the Practitioner shall produce to such Sub-Council and Registrar the same Evidence of Qualification as is by this Act made requisite for original Registration.

On Removal to another Registration Division, to register there;

And to produce same Evidence.

Treasurer, Registrar, Secretary, and other Officers.

XVIII. The Council shall from Time to Time appoint a fit and proper Person to be their Registrar and Secretary, and the same or a different Person to be their Treasurer, who, besides holding these Offices under the Council, shall also be Registrar, Secretary, and Treasurer for England under the Sub-Council for England, and the said Council shall also appoint a Registrar, Secretary, and Treasurer for Scotland, and a Registrar, Secretary, and Treasurer for Ireland, and shall also appoint such Clerks, Officers, and Servants as they shall think necessary for the several Parts of

the United Kingdom; and to each such Officer there shall be paid such Salary or Remuneration as the Council shall think proper, and every such Officer shall be removable at the Pleasure of the Council.

Seals of the Council.

XIX. The Council shall cause to be made a Seal or Seals for their Use in the Execution of this Act, in each of the Three Divisions of the United Kingdom herein-before mentioned, and shall cause to be sealed or stamped therewith all Certificates issued by them in pursuance of this Act; and all Certificates and other Documents purporting to be signed by the Registrar, and sealed or stamped with any such Seal, shall be received as Evidence in all Courts and Places whatsoever.

Fees payable on first and subsequent Registrations.

XX. For such Registration in the first instance, and for the Certificate thereof, each Applicant shall pay to the Registrar, for behoof of the Council, a Fee of *Five Pounds*, which Fee shall be paid before the Registration takes place, and for each subsequent Alteration in his Registration and Renewal of his Certificate he shall pay a Fee of *Five Shillings*, which Fee shall likewise be paid to the Registrar, for behoof of the Council, before Registration.

Form of Certificate and annual Registration.

XXI. To every Practitioner who shall be registered in manner before provided the Registrar shall give a Certificate impressed with the Seal of the Council for that Part of the United Kingdom in which the Certificate shall be granted, according to the Form in Schedule (D.) to this Act annexed; and each registered Practitioner shall send to the Registrar, on or before the *First Day of February* each Year, his Name and Address, in order that the same may be duly entered in the annual Register.

Register to be kept, and published annually.

XXII. During the Month of *February* in each Year the Registrar in Scotland and the Registrar in Ireland shall respectively furnish to the Registrar of the Council a Copy of the Register kept by them respectively; and the Registrar of the Council, being also Registrar in England, shall, in the Month of *March* in every Year, cause to be printed a correct Register, according to the Form in Schedule (C.) to this Act annexed, of the Names, arranged alphabetically, with the respective Residences, and Medical Titles conferred by any of the Universities or other Corporations before mentioned, with the Dates thereof, of all Persons to whom Certificates shall have been issued during the Year then last past, according to the Provisions of this Act, and publish or furnish printed Copies on such Terms and in such Way as the Council may direct; and a printed Copy of the Register, so published as aforesaid, shall be Evidence in all Courts, and before all Justices of the Peace and others, that the Persons therein specified have obtained Certificates according to the Provisions of this Act; and the Absence of the Name of any Person from such printed Copy shall be Evidence, until the contrary

contrary be made to appear, that such Person has not obtained a Certificate according to this Act.

Registered Persons entitled to practise;

XXIII. Every Person who shall be registered, and shall possess a Certificate in force according to the Provisions of this Act, shall be entitled to practise Medicine, Surgery, Midwifery, and Pharmacy throughout every Part of the United Kingdom and of Her Majesty's Dominions; and every such Person shall be entitled to demand and recover in any Court of Law, with full Costs of Suit, reasonable Charges for Medical Advice, Visits, Operations, and Medicine, without any other Licence than such Registration and Certificate.

and to charge for Advice and Visits.

All Monies received by the Registrars to be applied for the Purposes of this Act.

XXIV. All Monies received by such respective Registrars shall be paid over to the Treasurer of the Council, and shall be applied to defray the Expenses of carrying this Act into execution, in such Manner as shall be directed by the Council, with the Sanction of One of Her Majesty's Principal Secretaries of State; and out of such Monies there shall be paid to each Member of the Council, excepting the President of the Board of Health, annually, the Sum of *One thousand Pounds*, and also all such reasonable Expenses (including the Salaries to Officers and Servants) as may be incurred by them in performance of their Duties, under this Act; and if after paying all such Expenses any Surplus of such Monies shall remain, such Surplus shall be yearly applied for the founding and establishing of Medical Scholarships or Prizes, or in promoting the Advance of Medical Science and Literature, in such Manner as the Council shall determine.

Annual Statement of Income and Expenditure.

XXV. The Council shall once in every Year publish a full Account of their Income and Expenditure for the Year then last past, and shall transmit a Copy of such Account to One of Her Majesty's Principal Secretaries of State.

None but registered Persons to recover Charges.

XXVI. After the Day of in the Year One thousand eight hundred and fifty-six, no Person shall be entitled to recover any Charge in any Court of Law for any Medical Advice, Attendance, or for the Performance of any Surgical Operation, or for Medicine prescribed by him, unless he shall prove upon the Trial either that he is in possession of a Certificate in force according to the Provisions of this Act, or that he was legally practising in the Capacity in which he claims such Charge at the Time when the same was incurred.

Persons not possessing Certificates incapable of acting as Medical Officers in

XXVII. After the Day of in the Year One thousand eight hundred and fifty-six, no Person who does not possess a Certificate in force according to the Provisions of this Act shall be capable of holding any Appointment in any Part of

public and other Situations.

Her Majesty's Dominions in the Capacity of a Physician, Surgeon, or other Medical Officer, in any Hospital, Infirmary, Dispensary, Lunatic or other Asylum, Lying-in-Hospital, Gaol, Penitentiary, House of Correction, House of Industry, Parochial or Union Workhouse or Poorhouse, Parish Union, or other public Establishment, Body, or Institution, or to any Friendly or other Society for affording mutual Relief in Sickness, Infirmity, or Old Age; and in any Case in which by Law the Certificate of a Medical Man is required a Certificate by an unregistered Person shall not be received.

Penalty for the wilful Falsification of the Register.

XXVIII. If any Registrar under this Act shall wilfully make or cause to be made any Falsification in any Matters relating to any Register, Certificate, or Record aforesaid, every such Offender shall be deemed guilty of a Misdemeanor in England and Ireland, and in Scotland of a Crime or Offence, and shall on Conviction thereof be liable to be imprisoned for any Term not exceeding *Twelve Months*.

Penalty for obtaining Certificates by false Representations.

XXIX. If any Person shall procure or attempt to procure a Certificate from any Registrar, by making or producing, or causing to be made or produced, any false or fraudulent Degree, Diploma, or Licence, or shall by any false or fraudulent Means whatsoever possess, obtain, use, or attempt to possess, obtain, or use, any Registration or Certificate as aforesaid, every such Person so offending, and every Person aiding or assisting him therein, shall, upon being convicted thereof, be adjudged guilty of a Misdemeanor in England and Ireland, and in Scotland of a Crime or Offence; and thereupon it shall be lawful for the Court before whom such Offender shall be tried and convicted to sentence such Offender to be imprisoned, with or without Hard Labour, for any Period not exceeding *Twelve Months*.

Penalty for falsely pretending to be a Medical Practitioner.

XXX. Every unregistered Person who shall wilfully and falsely pretend to be or take or use the Name or Title of a Physician, Doctor, Bachelor of Medicine, or Surgeon, or any Name, Title, Addition, or Description implying that he is registered under this Act, or that he is recognized by Law as a Medical Practitioner, shall, on being convicted of such Offence before any Magistrate, pay a Fine not exceeding *Twenty Pounds*, nor less than *Five Pounds* for every such Offence, which Penalty shall be recoverable as hereinafter provided.

Recovery and Application of Penalties.

XXXI. Any Two Justices of the Peace acting in and for the County, City, or Place in which the Offence had been committed, and sitting in Petty Sessions, or any Magistrate appointed by virtue of an Act passed in the Second and Third Years of the Reign of Her Majesty Queen Victoria, intituled "An Act for regulating the Police

"Courts

"Courts of the Metropolis," or One of the Sheriffs or Justices of Peace Courts in Scotland, may hear and determine any Complaint charging any Person with practising Medicine without a Certificate as aforesaid, or with pretending falsely to be registered, on the Oath of One or more Witnesses, or by the Confession of the accused Party, and shall award the Penalty or Punishment herein provided for such Offence respectively; and in every Case of the Adjudication of a pecuniary Penalty under this Act, and of Nonpayment thereof, it shall be lawful for such Justices, Sheriff, or Magistrate to commit the Offender to any Gaol or House of Correction within his Jurisdiction, for a Term not exceeding *One Calendar Month* when the Sum does not exceed *Forty Shillings*, and for a Term not exceeding *Six Calendar Months* when the Sum shall exceed *Forty Shillings* and not exceed *Twenty Pounds*, and the Imprisonment shall cease on Payment of the Sum due.

If Penalties not paid, the Offender may be committed.

XXXII. Any Sum or Sums of Money arising from Conviction and Recovery of Penalties for Offences committed against the Authority and Provisions of this Act shall be paid to the Treasurer of the Sub-Council for that Part of the United Kingdom in which such Conviction shall take place, and be applied to the Purposes of this Act, and the same shall and may be sued for either by him or by any other Person authorized so to do by such Sub-Council.

Penalties to be paid to Treasurer.

XXXIII. Every Person who shall be registered and possess a Certicate in force under the Provisions of this Act shall be exempt, if he shall so desire, from serving on all Juries and Inquests whatsoever, and from serving any Corporate, Parochial, Ward, Hundred, and Township Office, and the Name of such Person shall not be returned in any List of Persons liable to serve in any such Office as aforesaid; and no Person shall be entitled to such Exemption as aforesaid, on the Ground of being a Physician or Surgeon or Apothecary, who does not possess such Certificate; any prior Act to the contrary notwithstanding.

Registered Medical Practitioners exempted from serving on Juries, Inquests, &c.

XXXIV. If any registered Medical Practitioner shall be convicted in England or Ireland of any Felony or Misdemeanor, or in Scotland of any Crime or Offence, or if it shall be found by the Judgment of any competent Court that any such Medical Practitioner shall have procured a Certificate under this Act by any Fraud or false Pretence, or that any such Medical Practitioner has wilfully and knowingly given any false Statement, Evidence, or Certificate, in any Case in which by Law the Evidence or Certificate of a Physician or Surgeon is required, the Registrar of the Board in whose Register his Name is entered,

For certain Offences, Names of Medical Practitioners to be to be erased from the Registry.

entered, on the Production before him of an Office Copy or Extract of the Conviction or Judgment of the Court, duly certified under the Hand of the proper Officer of the Court, or other Proof thereof, shall cause the Name of such Medical Practitioner to be erased from the Register; and every Person whose Name shall have been so erased, after such Conviction or Judgment as aforesaid, shall thereby forfeit and lose all the Privileges of a registered Medical Practitioner provided by this Act.

SCHE-

SCHEDULES.

SCHEDULE (A.)

Acts referred to in Section First of this Act, and which are hereby repealed to the Extent therein mentioned.

Date of Act.	Title of Act.
3 Henry 8. c. 11. Anno 1511.	An Act for the appointing Physicians and Surgeons.
14 & 15 Henry 8. c. 5. Anno 1522-23.	The Privileges and Authority of Physicians in London.
32 Henry 8. c. 40. Anno 1540.	For Physicians and their Privilege.
32 Henry 8. c. 42. Anno 1540.	For Barbers and Surgeons.
33 & 34 Henry 8. c. 8. Anno 1542-43.	A Bill that Persons being no common Surgeons may minister Medicines, notwithstanding the Statute.
1 Mary, sess. 2. c. 9. Anno 1553.	An Act touching the Corporation of Physicians in London.
10 George 1. c. 20. Anno 1723.	An Act for the better viewing, searching, and examining of all Drugs, Medicines, Waters, Oils, Compositions used or to be used for Medicines, in all Places where the same shall be exposed for Sale, or kept for that Purpose, within the City of London or Suburbs thereof, or within Seven Miles Circuit of the said City.
18 George 2. c. 15. Anno 1745.	An Act for making the Surgeons of London and the Barbers of London Two separate and distinct Corporations.
55 George 3. c. 194. July 12, 1815.	An Act for better regulating the Practice of Apothecaries throughout England and Wales.

SCHEDULE (B.)

Universities and other Corporations in Great Britain and Ireland whose Degrees or Diplomas or Licences are to be recognized by the Medical Council appointed under this Act.

1. The University of Oxford.
2. The University of Cambridge.
3. The University of London.
4. The University of Durham.
5. The University of Edinburgh.
6. The University of Glasgow.
7. The University and King's College of Aberdeen.
8. The Marischal College and University of Aberdeen.
9. The University of St. Andrews.
10. Trinity College, Dublin.
11. The Queen's University, Ireland.
12. The Royal College of Physicians of England.
13. The Royal College of Physicians of Edinburgh.
14. The Royal College of Physicians of Ireland.
15. The Royal College of Surgeons of England.
16. The Royal College of Surgeons in Edinburgh.
17. The Royal College of Surgeons in Ireland.
18. The Faculty of Physicians and Surgeons of Glasgow.
19. The Apothecaries Society of London.
20. The Company of Apothecaries of Ireland.

SCHEDULE (C.)

The Medical Register in { England, / Scotland, / *or* / Ireland, } *as the Case may be.*

MEDICAL REGISTRATION CERTIFICATE for the UNITED KINGDOM of GREAT BRITAIN and IRELAND for (*specify the Year*).

In accordance with the Provisions of an Act of Parliament passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act for regulating and improving the Medical Pro-"fession," I hereby certify, That *A.B.*, residing at *C.* in the County of *D.*, having produced before the Sub-Council of the United Kingdom

Kingdom for [England, Scotland, *or* Ireland, *as the Case may be*], [*here specify some one of the Diplomas or other Medical Titles or Qualifications mentioned in Section Thirteen of this Act,*] has been duly registered, according to the Provisions of the said Act, as a Person who is qualified to practise Medicine in any Part of Her Majesty's Dominions, and that he is entitled to exercise all the Powers and Privileges conferred by the said Act.

This Certificate to remain in force until the *First* Day of *February* 18 , and no longer.

(Signed)

Registrar in { England, Scotland, *or* Ireland, } *as the Case may be*, of the Medical Council of the United Kingdom.

Date.

SCHEDULE (D.)

The Medical Register for the United Kingdom of Great Britain and Ireland, consisting of the Names and Places of Residence, with a Description of the Medical Titles or Qualifications, and the Dates thereof, of all Persons legally qualified to practise Medicine in Her Majesty's Dominions in the Year 18 .

ARRANGED ALPHABETICALLY.

FOR ENGLAND.

Name.	Medical Title or Qualification.	Place of Residence.
A. A.	Doctor of Medicine of the University of London, 1851	30, Brook Street, London.
A. B.	Licentiate of the Apothecaries Society of London, 1848; Member of the Royal College of Surgeons of England, 1848.	100, Clarendon Street, Manchester.
A. C.	Member of the Royal College of Surgeons of Edinburgh, 1840; Doctor of Medicine of the University of Edinburgh, 1842.	10, George's Square Canterbury.
A. E.	Doctor of Medicine of the University of Cambridge, 1840; Fellow of the Royal College of Physicians of London, 1850.	20, Dover Street, London.
A. F.	Licentiate of the Apothecaries' Society of London, 1846.	33, Bishopsgate St., London.

Medical Qualification and Registration.

A

BILL

For regulating and improving the Medical Profession.

(*Prepared and brought in by Lord Elcho, Mr. FitzRoy, and Mr. George Alexander Hamilton.*)

Ordered, by The House of Commons, *to be Printed,* 7 *April* 1856.

[Bill 91.]

Under 2 *oz.*

Mercantile Law Amendment Bill.

ARRANGEMENT OF CLAUSES.

29 Car. 2. c. 3. s. 17. (England), 7 W. 3. c. 12. s. 13. (Ireland), and 9 Geo. 4. c. 14. s. 7. repealed; Sect. 1.

Privilege of Sale in Market overt abolished; 2.

Persons acquiring Title to Goods before they have been seized or attached under a Writ against the Seller protected; 3.

Specific Delivery of Goods sold; 4.

Consideration for Guarantee need not appear by Writing; 5.

Guarantee to or for a Firm to cease upon a Change in the Firm, except in special Cases; 6.

A Surety who discharges the Liability to be entitled to Assignment of all Securities held by the Creditor; 7.

Bills and Notes negotiable though not made payable "to Bearer," or "to Order," unless otherwise expressed; 8.

Acceptance of a Bill Inland or Foreign to be in Writing on it, and signed by the Acceptor or his Agent; 9.

What are to be deemed "Inland Bills"; 10.

With reference to Claims for the Repairs of Ships, every Port within the United Kingdom, &c., a Home Port; 11.

Limitation of Actions for "Merchants' Accounts"; 12.

Absence beyond Seas or Imprisonment of a Creditor not to be a Disability; 13.

Period of Limitation to run as to Joint Debtors in the Kingdom, though some are beyond Seas. Judgment recovered against Joint Debtors in the Kingdom to be no Bar to proceeding against others beyond Seas after their Return; 14.

Definition of "Beyond Seas," within 4 & 5 Anne, c. 16. and this Act; 15.

Provisions of 9 G. 4. c. 14. ss. 1 and 8. and 16 & 17 Vict. c. 113. ss. 24 and 27. extended to Acknowledgment by Agents; 16.

Part Payment by one Contractor, &c., not to prevent Bar by certain Statutes of Limitations in favour of another Contractor, &c.; 17.

Rules and Regulations may be made, and Writs and Proceedings framed for the Purposes of this Act; 18.

Short Title; 19.

Act not to extend to Scotland; 20.

A

B I L L

INTITULED

An Act to amend the Laws of England and Ireland affecting Trade and Commerce.

WHEREAS Inconvenience is felt by Persons engaged in Trade by reason of the Laws of England and Ireland being in some Particulars different from those of Scotland in Matters of common Occurrence in the course of such Trade, and with a view to remedy such Inconvenience it is expedient to amend the Laws of England and Ireland as herein-after is mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Seventeenth Section of the Act passed in the Twenty-ninth Year of the Reign of King Charles the Second, Chapter Three, intituled "An Act for the Prevention of Frauds and Perjuries," whereby it is enacted that "no Contract for the Sale of any "Goods, Wares, and Merchandises for the Price of Ten Pounds "Sterling or upwards shall be allowed to be good, except the Buyer "shall accept Part of the Goods so sold and actually receive the "same or give something in earnest to bind the Bargain or in part "of 29 Car. 2. c. 3. s. 17. (England), 7 W. 3. c. 12. s. 13. (Ireland), and 9 G. 4. c. 14. s. 7. repealed.

" of Payment, or that some Note or Memorandum in Writing of the " said Bargain be made and signed by the Parties to be charged by " such Contract, or their Agents thereunto lawfully authorized;" and also the Thirteenth Section of the Act passed in Ireland in the Seventh Year of the Reign of King William the Third, Chapter Twelve, whereby a similar Enactment is made for Ireland; and also the Seventh Section of the Act passed in the Ninth Year of the Reign of King George the Fourth, Chapter Fourteen, intituled " An " Act for rendering a written Memorandum necessary to the Validity " of certain Promises and Engagements," whereby the herein-before recited Enactments were extended to " all Contracts for the Sale of " Goods of the Value of Ten Pounds and upwards, notwithstanding " the Goods may be intended to be delivered at some future Time, " or may not at the Time of such Contract be actually made, " procured, or provided, or fit or ready for Delivery, or some Act " may be requisite for the making or completing thereof, or ren- " dering the same fit for Delivery," shall be and the same are hereby repealed as to all Contracts which shall be entered into after the passing of this Act.

Privilege of Sale in Market overt abolished.

II. No Sale in Market overt shall have any greater or other Effect than any Sale not in Market overt, in transferring or giving any Right of Property or otherwise howsoever.

Persons acquiring Title to Goods before they have been seized or attached under a Writ against the Seller protected.

III. No Writ of Fieri facias or other Writ of Execution, and no Writ of Attachment against the Goods of a Debtor, shall prejudice the Title to such Goods acquired by any Person bonâ fide and for a valuable Consideration before the actual Seizure or Attachment thereof by virtue of such Writ; provided such Person had not, at the Time when he acquired such Title, Notice that such Writ, or any other Writ by virtue of which the Goods of such Owner might be seized or attached, had been delivered to and remained unexecuted in the Hands of the Sheriff, Under Sheriff, or Coroner.

Specific Delivery of Goods sold.

IV. In all Actions in any of the Superior Courts of Common Law at Westminster or Dublin for Breach of Contract to deliver specific Goods for a Price in Money, on the Application of the Plaintiff, and by Leave of the Judge before whom the Cause is tried, the Jury shall, if they find the Plaintiff entitled to recover, find by their Verdict what are the Goods in respect of the Non-delivery of which the Plaintiff is entitled to recover and which remain undelivered; what (if any) is the Sum the Plaintiff would have been liable to pay for the Delivery thereof; what Damages (if any) the Plaintiff would have sustained if the Goods should be

delivered

delivered under Execution, as herein-after mentioned, and what Damages if not so delivered; and thereupon, if Judgment shall be given for the Plaintiff, the Court or any Judge thereof, at their or his Discretion, on the Application of the Plaintiff, shall have Power to order Execution to issue for the Delivery, on Payment of such Sum (if any) as shall have been found to be payable by the Plaintiff as aforesaid, of the said Goods, without giving the Defendant the Option of retaining the same upon paying the Damages assessed; and such Writ of Execution may be for the Delivery of such Goods; and if such Goods so ordered to be delivered, or any Part thereof, cannot be found, and unless the Court, or such Judge or Baron as aforesaid, shall otherwise order, the Sheriff shall distrain the Defendant by all his Lands and Chattels in the said Sheriff's Bailiwick, till the Defendant deliver such Goods, or, at the Option of the Plaintiff, cause to be made of the Defendant's Goods the assessed Value or Damages, or a due Proportion thereof; provided that the Plaintiff shall, either by the same or a separate Writ of Execution, be entitled to have made of the Defendant's Goods the Damages, Costs, and Interest in such Action.

Consideration for Guarantee need not appear by Writing.

V. No special Promise to be made by any Person after the passing of this Act to answer for the Debt, Default, or Miscarriage of another Person, being in Writing, and signed by the Party to be charged therewith or some other Person by him thereunto lawfully authorized, shall be deemed invalid to support an Action, Suit, or other Proceeding to charge the Person by whom such Promise shall have been made, by reason only that the Consideration for such Promise does not appear in Writing, or by necessary Inference from a written Document, but such Consideration in any Case in which it shall be requisite to prove the same may be proved by oral Evidence.

Guarantee to or for a Firm to cease upon a Change in the Firm, except in special Cases.

VI. No Promise to answer for the Debt, Default, or Miscarriage of another made to a Firm consisting of Two or more Persons, or to a single Person trading under the Name of a Firm, and no Promise to answer for the Debt, Default, or Miscarriage of a Firm consisting of Two or more Persons, or of a single Person trading under the Name of a Firm, shall be binding on the Person making such Promise in respect of anything done or omitted to be done after a Change shall have taken place in any One or more of the Persons constituting the Firm, or in the Person trading under the Name of a Firm, unless the Intention of the Parties, that such Promise shall continue to be binding notwithstanding such Change, shall appear either by express Stipulation or by necessary Implication from the Nature of the Firm or otherwise.

A Surety who discharges the Liability to be entitled to Assignment of all Securities held by the Creditor.

VII. Every Person who, being Surety for the Debt or Duty of another, or being liable with another for any Debt or Duty, shall pay such Debt or perform such Duty, shall be entitled to have assigned to him, or to a Trustee for him, every Judgment, Specialty, or other Security which shall be held by the Creditor in respect of such Debt or Duty, whether such Judgment, Specialty, or other Security shall or shall not be deemed at Law to have been satisfied by the Payment of the Debt or Performance of the Duty, and such Person shall be entitled to stand in the Place of the Creditor, and to use all the Remedies, and, if need be, and upon a proper Indemnity, to use the Name of the Creditor, in any Action or other Proceeding, at Law or in Equity, in order to obtain from the principal Debtor, or any Co-Surety, Co-Contractor, or Co-Debtor, as the Case may be, Indemnification for the Advances made and Loss sustained by the Person who shall have so paid such Debt or performed such Duty, and such Payment or Performance so made by such Surety shall not be pleadable in bar of any such Action or other Proceeding by him: Provided always, that no Co-Surety, Co-Contractor, or Co-Debtor shall be entitled to recover from any other Co-Surety, Co-Contractor, or Co-Debtor, by the Means aforesaid, more than the just Proportion to which, as between those Parties themselves, such last-mentioned Person shall be justly liable.

Bills and Notes negotiable though not made payable "to Bearer," or "to Order," unless otherwise expressed.

VIII. A Bill of Exchange, whether Inland or Foreign, and a Promissory Note, shall be negotiable, although it be not made payable "to Order" or "to Bearer," unless an Intention that it shall not be negotiable shall be expressed on the Face of the Bill or Note.

Acceptance of a Bill Inland or Foreign to be in Writing on it, and signed by the Acceptor or his Agent.

IX. No Acceptance of any Bill of Exchange, whether Inland or Foreign, made after the Thirty-first Day of December One thousand eight hundred and fifty-six, shall be sufficient to bind or charge any Person, unless the same be in Writing on such Bill, or, if there be more than One Part of such Bill, on One of the said Parts, and signed by the Acceptor or some Person duly authorized by him.

What are to be deemed "Inland Bills."

X. Every Bill of Exchange drawn in any Part of the United Kingdom of Great Britain and Ireland, the Islands of Man, Guernsey, Jersey, Alderney, and Sark, and the Islands adjacent to any of them, being Part of the Dominions of Her Majesty, and made payable in or drawn upon any Person resident in any Part of the said United Kingdom or Islands, shall be deemed to be an Inland Bill; but nothing herein contained shall alter or affect the Stamp Duty, if any, which, but for this Enactment, would be payable in respect of any such Bill.

XI. In

With reference to the Repairs of Ships, every Port within the United Kingdom, &c. a Home Port.

XI. In relation to the Rights and Remedies of Persons having Claims for Repairs done to, or Supplies furnished to or for, Ships, every Port within the United Kingdom of Great Britain and Ireland, the Islands of Man, Guernsey, Jersey, Alderney, and Sark, and the Islands adjacent to any of them, being Part of the Dominions of Her Majesty, shall be deemed a Home Port.

Limitation of Actions for "Merchants' Accounts."

XII. All Actions of Account or for not accounting, and Suits for such Accounts, as concern the Trade of Merchandise between Merchant and Merchant, their Factors or Servants, shall be commenced and sued within Six Years after the Cause of such Actions or Suits, or when such Cause has already arisen then within Six Years after the passing of this Act; and no Claim in respect of a Matter which arose more than Six Years before the Commencement of such Action or Suit shall be enforceable by Action or Suit by reason only of some other Matter of Claim comprised in the same Account having arisen within Six Years next before the Commencement of such Action or Suit.

Absence beyond Seas or Imprisonment of a Creditor not to be a Disability.

XIII. No Person or Persons who shall be entitled to any Action or Suit with respect to which the Period of Limitation within which the same shall be brought is fixed by the Act of the Twenty-first Year of the Reign of King James the First, Chapter Sixteen, Section Three, or by the Act of the Fourth Year of the Reign of Queen Anne, Chapter Sixteen, Section Seventeen, or by the Act of the Fifty-third Year of the Reign of King George the Third, Chapter One hundred and twenty-seven, Section Five, or by the Acts of the Third and Fourth Years of the Reign of King William the Fourth, Chapter Twenty-seven, Sections Forty, Forty-one, and Forty-two, and Chapter Forty-two, Section Three, or by the Act of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, Section Twenty, shall be entitled to any Time within which to commence and sue such Action or Suit beyond the Period so fixed for the same by the Enactments aforesaid, by reason only of such Person, or some One or more of such Persons, being at the Time of such Cause of Action or Suit accrued beyond the Seas, or in the Cases in which by virtue of any of the aforesaid Enactments Imprisonment is now a Disability, by reason of such Person or some One or more of such Persons being imprisoned at the Time of such Cause of Action or Suit accrued.

Period of Limitation to run as to Joint Debtors in the Kingdom,

XIV. Where such Cause of Action or Suit with respect to which the Period of Limitation is fixed by the Enactments aforesaid or any of them lies against Two or more Joint Debtors, the Person or Persons who shall be entitled to the same shall not be entitled to any Time within

though some are beyond Seas.

within which to commence and sue any such Action or Suit against any One or more of such Joint Debtors who shall not be beyond the Seas at the Time such Cause of Action or Suit accrued, by reason only that some other One or more of such Joint Debtors was or were at the Time such Cause of Action accrued beyond the Seas, and such Person or Persons so entitled as aforesaid shall not be barred from commencing and suing any Action or Suit against the Joint Debtor or Joint Debtors who was or were beyond Seas at the Time the Cause of Action or Suit accrued after his or their Return from beyond Seas, by reason only that Judgment was already recovered against any One or more of such Joint Debtors who was not or were not beyond Seas at the Time aforesaid.

Judgment recovered against Joint Debtors in the Kingdom to be no Bar to proceeding against others beyond Seas after their Return.

Definition of "beyond Seas," within 4 & 5 Anne, c. 16. and this Act.

XV. No Part of the United Kingdom of Great Britain and Ireland, nor the Islands of Man, Guernsey, Jersey, Alderney, and Sark, nor any Islands adjacent to any of them, being Part of the Dominions of Her Majesty, shall be deemed to be beyond Seas within the Meaning of the Act of the Fourth and Fifth Years of the Reign of Queen Anne, Chapter Sixteen, or of this Act.

Provisions of 9 G. 4. c. 14. ss. 1. & 8. and 16 & 17 Vict. c. 113. ss. 24. & 27. extended to Acknowledgments by Agents.

XVI. In reference to the Provisions of the Acts of the Ninth Year of the Reign of King George the Fourth, Chapter Fourteen, Sections One and Eight, and the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, Sections Twenty-four and Twenty-seven, an Acknowledgment or Promise made or contained by or in a Writing signed by an Agent of the Party chargeable thereby, duly authorized to make such Acknowledgment or Promise, shall have the same Effect as if such Writing had been signed by such Party himself.

Part Payment by one Contractor, &c. not to prevent Bar by certain Statutes of Limitations in favour of another Contractor, &c.

XVII. In reference to the Provisions of the Acts of the Twenty-first Year of the Reign of King James the First, Chapter Sixteen, Section Three, and of the Act of the Third and Fourth Years of the Reign of King William the Fourth, Chapter Forty-two, Section Three, and of the Act of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, Section Twenty, when there shall be Two or more Co-Contractors or Co-Debtors, whether bound or liable jointly only or jointly and severally, or Executors or Administrators of any Contractor, no such Co-Contractor or Co-Debtor, Executor, or Administrator shall lose the Benefit of the said Enactments or any of them, so as to be chargeable in respect or by reason only of Payment of any Principal, Interest, or other Money, by any other or others of such Co-Contractors or Co-Debtors, Executors, or Administrators.

XVIII. In

Rules and Regulations may be made and Writs and Proceedings framed for the Purposes of this Act.

XVIII. In order to enable the Superior Courts of Common Law at Westminster and Dublin, and the Judges thereof respectively, to make Rules and Regulations, and to frame Writs and Proceedings, for the Purpose of giving effect to this Act, the Two hundred and twenty-third and Two hundred and twenty-fourth Sections of "The Common Law Procedure Act, 1852," shall, so far as this Act is to take effect in England, and the Two hundred and thirty-third and Two hundred and fortieth Sections of "The Common Law Procedure Amendment Act (Ireland), 1853," shall, so far as this Act is to take effect in Ireland, be incorporated with this Act, as if those Provisions had been severally herein repeated and made to apply to this Act.

Short Title.

XIX. In citing this Act it shall be sufficient to use the Expression "The Mercantile Law Amendment Act, 1856."

Act not to extend to Scotland.

XX. Nothing in this Act shall extend to Scotland.

Mercantile Law Amendment.

A

BILL

INTITULED

An Act to amend the Laws of England and Ireland affecting Trade and Commerce.

(*Brought from the Lords* 16 *June* 1856.)

Ordered, by The House of Commons, *to be Printed*, 16 *June* 1856.

[Bill 180.]

Under 2 oz.

Mercantile Law (Scotland) Amendment Bill.

ARRANGEMENT OF CLAUSES.

Goods sold, but not delivered, not to be attachable by Creditors of the Seller; Sect. 1.

Seller not entitled to a Right of Retention generally against Second Purchaser; 2.

Arrestment and Poinding of Goods by Seller; 3.

Rights of Landlord not to be affected; 4.

Seller not held to warrant Goods, except there be an express Warranty in Contract; 5.

Guarantees, &c. to be in Writing; 6.

Guarantees to or for a Firm not to be binding after any Change of the Firm, except in special Cases; 7.

Cautioners not to be entitled to Benefit of Discussion; 8.

Discharge of One Cautioner to operate as a Discharge to all; 9.

Date of Bills or Notes may be proved by Parole; 10.

Acceptance of Bill of Exchange must be in Writing; 11.

All Bills drawn within the United Kingdom, &c. on any Party within the United Kingdom, &c. to be held Inland Bills; 12.

Notarial Protest not to be necessary, except for the Purpose of Summary Diligence; 13.

Notice of Dishonour in the Case of Inland Bills to be given as in the Case of Foreign Bills; 14.

When Bill lost, stolen, or fraudulently obtained, Holder must prove Value given; 15.

Holder of Bill or Note indorsed after the Period of Payment to be subject to the Equities affecting the Indorser; 16.

Carriers to be liable for Loss by accidental Fire; 17.

Every Port in United Kingdom, &c. to be deemed a Home Port; 18.

Court of Session to make Regulations for carrying Act into effect; 19.

Title of Act; 20.

Act to apply to Scotland only; 21.

A

B I L L

INTITULED

An Act to amend the Laws of Scotland affecting Trade and Commerce.

WHEREAS Inconvenience is felt by Persons engaged in Trade by reason of the Laws of Scotland being in some Particulars different from those of England and Ireland in Matters of common Occurrence in the course of such Trade, and with a view to remedy such Inconvenience it is expedient to amend the Law of Scotland as herein-after is mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. From and after the passing of this Act, where Goods have been sold, but the same have not been delivered to the Purchaser, and have been allowed to remain in the Custody of the Seller, it shall not be competent for any Creditor of such Seller, after the Date of such Sale, to attach such Goods as belonging to the Seller by any Diligence or Process of Law, including Sequestration, to the Effect of preventing the Purchaser or others in his Right from enforcing Delivery of the same; and the Right of the Purchaser to demand Goods sold, but not delivered, not to be attachable by Creditors of the Seller.

Delivery of such Goods shall from and after the Date of such Sale be attachable by or transferable to the Creditors of the Purchaser.

Seller not entitled to a Right of Retention generally against Second Purchaser.

II. Where a Purchaser of Goods who has not obtained Delivery thereof shall after the passing of this Act sell the same, the Purchaser from him or any other subsequent Purchaser shall be entitled to demand that Delivery of the said Goods shall be made to him and not to the original Purchaser; and the Seller, on Intimation being made to him of such subsequent Sale, shall be bound to make such Delivery, on Payment of the Price of such Goods, or Performance of the Obligations or Conditions of the Contract of Sale, and shall not be entitled, in any Question with a subsequent Purchaser, or others in his Right, to retain the said Goods for any separate Debt or Obligation alleged to be due to such Seller by the original Purchaser: Provided always, that nothing in this Act contained shall prejudice or affect the Right of Retention of the Seller for Payment of the Purchase Price of the Goods sold, or such Portion thereof as may remain unpaid, or for Performance of the Obligations or Conditions of the Contract of Sale, or any Right of Retention competent to the Seller, except as between him and such subsequent Purchaser, or any such Right of Retention arising from express Contract with the original Purchaser.

Arrestment and Poinding of Goods by Seller.

III. Any Seller of Goods may attach the same while in his own Hands or Possession, by Arrestment or Poinding, at any Time prior to the Date when the Sale of such Goods to a subsequent Purchaser shall have been intimated to such Seller, and such Arrestment or Poinding shall have the same Operation and Effect in a Competition or otherwise as an Arrestment or Poinding by a Third Party.

Rights of Landlord not to be affected.

IV. Nothing herein-before contained shall prejudice or affect the Landlord's Right of Hypothec and Sequestration for Rent.

Seller not held to warrant Goods, except there be an express Warranty in Contract.

V. Where Goods shall, after the passing of this Act, be sold, the Seller, if at the Time of the Sale he was without Knowledge that the same were defective or of bad Quality, shall not be held to have warranted their Quality or Sufficiency, but the Goods, with all Faults, shall be at the Risk of the Purchaser, unless the Seller shall have given an express Warranty of the Quality or Sufficiency of such Goods, or unless the Goods have been expressly sold for a specified and particular Purpose, in which Case the Seller shall be considered, without such Warranty, to warrant that the same are fit for such Purpose.

VI. From

Guarantees, &c. to be in Writing.

VI. From and after the passing of this Act, all Guarantees, Securities, or Cautionary Obligations made or granted by any Person for any other Person, and all Representations and Assurances as to the Character, Conduct, Credit, Ability, Trade, or Dealings of any Person, made or granted to the Effect or for the Purpose of enabling such Person to obtain Credit, Money, Goods, or Postponement of Payment of Debt, or of any other Obligation demandable from him, shall be in Writing, and shall be subscribed by the Person undertaking such Guarantee, Security, or Cautionary Obligation, or making such Representations and Assurances, or by some Person duly authorized by him or them, otherwise the same shall have no Effect.

Guarantees to or for a Firm not to be binding after any Change of the Firm, except in special Cases.

VII. No Guarantee, Security, Cautionary Obligation, Representation, or Assurance granted or made after the passing of this Act to or for a Company or Firm consisting of Two or more Persons, or to or for a single Person trading under the Name of a Firm, shall be binding on the Granter or Maker of the same in respect of anything done or omitted to be done, after a Change shall have taken place in any One or more of the Partners of the Company or Firm to which the same has been granted or made, or of the Company or Firm for which the same has been granted or made: Unless the Intention of the Parties that such Guarantee, Security, Cautionary Obligation, Representation, or Assurance, shall continue to be binding, notwithstanding such Change, shall appear either by express Stipulation, or by necessary Implication from the Nature of the Firm or otherwise.

Cautioners not to be entitled to Benefit of Discussion.

VIII. Where any Person shall, after the passing of this Act, become bound as Cautioner for any Principal Debtor, it shall not be necessary for the Creditor to whom such Cautionary Obligation shall be granted, before calling on the Cautioner for Payment of the Debt to which such Cautionary Obligation refers, to discuss or do Diligence against the Principal Debtor, as now required by Law; but it shall be competent to such Creditor to proceed against the Principal Debtor and the said Cautioner, or against either of them, and to use all Action or Diligence against both or either of them which is competent according to the Law of Scotland: Provided always, that nothing herein contained shall prevent any Cautioner from stipulating in the Instrument of Caution that the Creditor shall be bound before proceeding against him to discuss and do Diligence against the Principal Debtor.

Discharge of One Cautioner to operate as a Discharge to all.

IX. From and after the passing of this Act, where Two or more Parties shall become bound as Cautioners for any Debtor, any Discharge granted by the Creditor in such Debt or Obligation to any

One of such Cautioners without the Consent of the other Cautioners shall be deemed and taken to be a Discharge granted to all the Cautioners; but nothing herein contained shall be deemed to extend to the Case of a Cautioner consenting to the Discharge of a Co-cautioner who may have become bankrupt.

Date of Bills or Notes may be proved by Parole.

X. From and after the passing of this Act, where any Bill of Exchange or Promissory Note shall be issued without Date, it shall be competent to prove by Parole Evidence the true Date at which such Bill or Note was issued: Provided always, that Summary Diligence shall not be competent on any Bill or Note issued without a Date.

Acceptance of Bill of Exchange must be in Writing.

XI. No Acceptance of any Bill of Exchange, whether Inland or Foreign, made after the Thirty-first Day of December One thousand eight hundred and fifty-six, shall be sufficient to bind or charge any Person unless the same be in Writing on such Bill, or if there be more than One Part of such Bill, on One of the said Parts, and signed by the Acceptor or some Person duly authorized by him.

All Bills drawn within the United Kingdom, &c. on any Party within the United Kingdom, &c. to be held Inland Bills.

XII. Every Bill of Exchange drawn in any Part of the United Kingdom of Great Britain and Ireland, the Islands of Man, Guernsey, Jersey, Alderney, and Sark, and the Islands adjacent to any of them, being Part of the Dominions of Her Majesty, and made payable in or drawn upon any Person resident in any Part of the said United Kingdom or Islands, shall be deemed to be an Inland Bill; but nothing herein contained shall alter or affect the Stamp Duty, if any, which but for this Enactment would be payable in respect of any such Bill.

Notarial Protest not to be necessary, except for the Purpose of Summary Diligence.

XIII. From and after the passing of this Act, where any Inland Bill of Exchange shall be presented for Acceptance or Payment, and the same shall be dishonoured by not being accepted or paid, or where any Promissory Note shall be presented for Payment, and dishonoured by not being paid, it shall not be necessary that a Notarial Protest shall be taken on such Bill of Exchange or Promissory Note in order to preserve Recourse against the Drawer or Indorser of such Bill or Promissory Note respectively; but it shall be sufficient to prove such Presentment and Dishonour, to the Effect of preserving Recourse as aforesaid by other competent Evidence, either written or parole: Provided always, that nothing herein contained shall be taken to affect the Necessity for a Notarial Protest in order to entitle the Holder of any Bill or Note to proceed with Summary Diligence thereon.

XIV. Where

Notice of Dishonour in the Case of Inland Bills to be given as in the Case of Foreign Bills.

XIV. Where any Inland Bill of Exchange shall be presented for Acceptance or Payment, and such Acceptance or Payment shall be refused, or where any Promissory Note shall be presented for Payment, and Payment shall be refused, Notice of the Dishonour of such Bill or Promissory Note by such Refusal to accept or pay shall, in order to entitle the Holder to have Recourse to any other Party, be given in the same Manner and within the same Time as is required in the Case of Foreign Bills by the Law of Scotland.

When Bill lost, stolen, or fraudulently obtained, Holder must prove Value given.

XV. Where any Bill or Note has been lost, stolen, or fraudulently obtained, the Holder of such Bill or Note suing or doing Diligence thereon shall be bound to prove that Value was given by him for the same; but such Proof may be made by Parole Evidence.

Holder of Bill or Note indorsed after the Period of Payment to be subject to the Equities affecting the Indorser.

XVI. When any Bill of Exchange or Promissory Note shall, after the passing of this Act, be indorsed after the Period when such Bill of Exchange or Promissory Note became payable, the Indorsee of such Bill or Note shall be deemed to have taken the same subject to all Objections or Exceptions to which the said Bill or Note was subject in the Hands of the Indorser.

Carriers to be liable for Loss by accidental Fire.

XVII. From and after the passing of this Act, all Carriers for Hire of Goods within Scotland shall be liable to make good to the Owner of such Goods all Losses arising from accidental Fire while such Goods were in the Custody or Possession of such Carriers.

Every Port in United Kingdom, &c. to be deemed a Home Port.

XVIII. In relation to the Rights and Remedies of Persons having Claims for Repairs done to or Supplies furnished to or for Ships, every Port within the United Kingdom of Great Britain and Ireland, the Islands of Man, Guernsey, Jersey, Alderney, and Sark, and the Islands adjacent to any of them, being Part of the Dominions of Her Majesty, shall be deemed a Home Port.

Court of Session to make Regulations for carrying Act into effect.

XIX. The Court of Session is hereby empowered from Time to Time, after the passing of this Act, to make such Regulations by Act or Acts of Sederunt as the said Court may deem meet for carrying into effect the Purposes of this Act: Provided always, that within Fourteen Days from the Commencement of any future Session of Parliament there shall be transmitted to both Houses of Parliament Copies of all Acts of Sederunt made and passed under the Powers hereby given.

Title of Act.

XX. In citing this Act it shall be sufficient to use the Expression "The Mercantile Law Amendment Act, Scotland, 1856."

Act to apply to Scotland only.

XXI. Nothing in this Act contained shall apply to any Part of the United Kingdom except Scotland.

Mercantile Law (Scotland) Amendment.

A

BILL

INTITULED

An Act to amend the Laws of Scotland affecting Trade and Commerce.

(*Brought from the Lords* 16 *June* 1856.)

Ordered, by The House of Commons, *to be Printed,* 16 *June* 1856.

[Bill 181.]

Under 1 *oz.*

A

B I L L

TO

Explain and amend the Act 18 and 19 Vict., for the better Local Management of the Metropolis.

WHEREAS by Section Eight of the Act of the last Session of Parliament, "for the better Local Management of the "Metropolis," it is provided that the Vestrymen elected under the said Act in any Parish should, with such other Persons as therein-before mentioned, be deemed to constitute the Vestry of such Parish, and should supersede any existing Vestry therein, and exercise the Powers and Privileges held by such existing Vestry, save as in that Act otherwise provided: And whereas by Section Ninety of the same Act it was enacted, that all the Duties, Powers, and Authorities for or in relation to the paving, lighting, watering, cleansing, or improving of any Parish mentioned in Schedule (A.) to that Act, or any Part of such Parish vested in any Commissioners, or in any Body other than the Vestry of such Parish, or in any Officer of any Commissioners or other Body, and all other Duties, Powers, and Authorities in anywise relating to the Regulation, Government, or Concerns of any such Parish or Part, or of the Inhabitants thereof, (except such Duties, Powers, and Authorities as relate to the Affairs of the Church, or the Management or Relief of the Poor, or the Administration

Preamble.
18 & 19 Vict. c. 20. s. 8.

of any Money or other Property applicable to the Relief of the Poor, so far as such Duties, Powers, and Authorities relate thereto,) vested under any Local Act of Parliament in any Commissioners, or in any Body other than the Vestry of such Parish, or in any such Officer, should cease to be so vested, and should, save as therein otherwise provided, become vested in, and be performed and exercised by, the Vestry of such Parish under the Act now in recital; and all the Duties, Powers, and Authorities for or in relation to the paving, lighting, watering, cleansing, or improving of any Parish included in any District mentioned in Schedule (B.) to that Act, or any Part of such Parish, vested in any Commissioners, Vestry, or other Body, or in any Officer of any Commissioners or other Body, and all other Duties, Powers, and Authorities in anywise relating to the Regulation, Government, or Concerns of any such Parish, or Part, or of the Inhabitants thereof, (except such Duties, Powers, and Authorities as relate to the Affairs of the Church, or the Management or Relief of the Poor, or the Administration of any Money or other Property applicable to the Relief of the Poor, so far as such Duties, Powers, and Authorities relate thereto,) vested under any Local Act of Parliament in any Commissioners, Vestry, or other Body, or in any such Officer, should cease to be so vested, and should, save as therein otherwise provided, become vested in and be performed and exercised by the Board of Works for such District: And whereas Doubts have been entertained whether or not Powers in relation to the Affairs of the Church, or the Management or Relief of the Poor, which at the Time of the passing of the said Act might have been exercised in any such Parish as aforesaid by Vestry Meetings, or Meetings in the Nature of Vestry Meetings, or Meetings of the Parishioners, Inhabitants, or Ratepayers, are transferred to the Vestry constituted in such Parish under the said Act, and it is expedient to remove such Doubts: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Powers of Vestry Meetings and like Meetings of Inhabitants declared to have been transferred to the Vestries constituted under recited Act.

I. The Expression "existing Vestry" in the said Section Eight shall be construed to include all Vestry Meetings, Meetings in the Nature of Vestry Meetings, and Meetings of the Parishioners, Inhabitants, or Ratepayers generally, or of the Parishioners, Inhabitants, or Ratepayers rated at or above any specified Amount or Value which might from Time to Time have been lawfully holden in the Parish if the said Act had not been passed, and from the Time when, according to the said Section Eight, "any existing Vestry" in a Parish was to be superseded by the Vestry constituted under the said

said Act, all the Duties, Powers, and Privileges, (including such as relate to the Affairs of the Church, or the Management or Relief of the Poor, or the Administration of any Money or other Property applicable to the Relief of the Poor,) which might have been performed or exercised by any existing Vestry, or any such Meetings as aforesaid in such Parish, under any Local Act or otherwise, shall be deemed to have become transferred to and vested in the Vestry constituted by the herein-before recited Act; except so far as any such Duties, Powers, or Privileges may in the Case of a Parish included in any District mentioned in Schedule (B.) to the said Act be vested by Section Ninety of the said Act in the Board of Works of such District: Provided that all Duties and Powers relating to the Affairs of the Church, or the Management or Relief of the Poor, or the Administration of any Money or other Property applicable to the Relief of the Poor which at the Time of the passing of the said Act were vested in or might be exercised by any Commissioners, or any Body other than the then existing Vestry, or such Vestry and other Meetings as herein-before mentioned, shall continue vested in and be exercised by such Commissioners or other Body as aforesaid.

Saving of Powers transferred to District Boards.

Metropolis Local Management Act Amendment.

A

BILL

To explain and amend the Act 18 and 19 Vict., for the better Local Management of the Metropolis.

(*Prepared and brought in by Mr. Attorney General and Mr. Solicitor General.*)

Ordered, by The House of Commons, *to be Printed,* 28 *February* 1856.

[Bill 58.]

Under 1 *oz.*

20 *June* 1856. 19 & 20 Vict.

(No. 2.)

A

BILL

TO

Amend the Act of the last Session of Parliament, Chapter One hundred and twenty, for the better Local Management of the Metropolis.

WHEREAS it is expedient to amend the Act of the last Session of Parliament, Chapter One hundred and twenty, "for the better Local Management of the Metropolis," as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

18 & 19 Vict. c. 120.

Churchwardens or Overseers where elected in open Vestry or in like Meetings before the passing of 18 & 19 Vict. c. 120. to be elected in same Manner as before the passing of that Act.

I. Where at the Time of the *passing of the said Act* any Power to elect or appoint Churchwardens or Overseers of the Poor in any Parish, or to elect Persons for Nomination to Justices of the Peace, for the Purpose of such Persons, or some of them, being appointed such Overseers, was vested in any open Vestry, or in any Meeting in the Nature of an open Vestry Meeting, or in any Meeting of the Parishioners, Inhabitants, or Ratepayers generally, or of such of the Parishioners, Inhabitants, or Ratepayers as were rated at or above any specified Amount or Value (whether such Vestry or Meeting were holden for the Parish at large or for any Liberty or other District

District thereof), all such Power shall be exercised by such Vestry or Meeting in like Manner as if the said Act had not been passed, save that the Persons who shall be entitled to vote in or at such Vestry or Meeting in such Election or Appointment shall be such Persons as would be qualified (in respect of Rating and Payment of Rates in the Parish or Division of a Parish for which such Vestry or Meeting is holden) to vote in such Election or Appointment if the same were an Election of Vestrymen under the said Act, and such Persons shall vote and the Votes shall be taken and ascertained in like Manner as in the Case of such Election of Vestrymen: Provided always, that the Churchwardens and Overseers actually executing the Office of Churchwarden or Overseer at the Time when this Act comes into operation shall be deemed to have been duly constituted such Churchwardens or Overseers.

Church Rates where made in open Vestry before passing of 18 & 19 Vict. c. 120. to continue to be so made.

II. Where at the Time of the *passing of the said Act* the Power of making Church Rates in any Parish was vested in any such open Vestry or Meeting as aforesaid, such Power shall not be deemed to have become vested in the Vestry constituted in such Parish under the said Act, but shall be exercised as if the said Act had not been passed.

18 & 19 Vict. c. 120. not to affect Ecclesiastical Districts.

III. Nothing in the said Act or this Act shall affect or be deemed to have affected any Power of electing or appointing Churchwardens or making Church Rates, or other Power which, at the Time of the passing of the said Act, was vested in any such open Vestry or Meeting as aforesaid, or any elected or other Vestry, where such Vestry or Meeting acts exclusively for any District (by whatever Denomination distinguished) created for Ecclesiastical Purposes only.

Other Powers of Vestries and like Meetings declared to have been transferred to Vestries under said Act.

IV. Save as herein-before otherwise provided, all the Duties, Powers, and Privileges (including such as relate to the Affairs of the Church, or the Management or Relief of the Poor, or the Administration of any Money or other Property applicable to the Relief of the Poor,) which might have been performed or exercised by any such Vestry or Meeting as aforesaid in any Parish, under any Local Act or otherwise, at the Time of the *passing of the said Act* of the last Session, shall be deemed to have become transferred to and vested in the Vestry constituted by such Act; except so far as any such Duties, Powers, or Privileges may in the Case of a Parish included in any District mentioned in Schedule (B.) to the said Act be vested by Section Ninety thereof in the Board of Works of such District: Provided that all Duties and Powers relating to the Affairs of the Church, or the Management or Relief of the Poor, or the Administration of any Money or other Property applicable to the Relief of the Poor, which

Saving of Powers transferred to District Boards.

at the Time of the *passing of the said Act* were vested in or might be exercised by any Commissioners, or any Body other than the then existing Vestry, or any Meeting as herein-before mentioned, shall continue vested in and be exercised by such Commissioners or other Body as aforesaid.

Occupiers may claim to be rated.

V. It shall be lawful for any Person occupying any Tenement within any Parish to claim to be rated to the Relief of the Poor in respect thereof in the Rate for the Time being, and in all Rates to be thereafter made in respect of such Tenement, whether the Landlord be or be not liable to be rated to the Relief of the Poor in respect thereof; and upon such Occupier so claiming, by Notice in Writing left at the Office or Place of Residence of the Overseers of the Poor of the Parish, or One of them, and actually paying or tendering at such Office or Place of Residence the full Amount of the last made Rate then payable in respect of such Premises, such Overseers are hereby required to put the Name of such Occupier on the Rate for the Time being, and also, without further Claim, to put his Name upon every subsequent Rate made during the Time such Occupier continues in the Occupation of the same Premises; and in case the said Overseers neglect or refuse so to do, such Occupier shall nevertheless, for the Purposes of the said Act, be deemed to have been rated to the said Rate in respect of such Premises from the Period at which the Rate for the Time being in respect of which he so claimed to be rated as aforesaid was made, and thenceforth so long as he continues in the Occupation of the same Premises: Provided always, that every Person so claiming as aforesaid shall in respect of every Rate for the Relief of the Poor made after such Claim as aforesaid, while he continues to occupy the same Premises, be liable to the same Extent and in the same Manner as if his Name had been put on such Rate.

Compositions not to be disturbed, and Landlord's Liability not to be affected.

VI. Provided also, That in Cases where, by any Composition with the Landlord, a less Sum is payable than the full Amount of Rate which, except for such Composition, would be due in respect of the same Premises, the Occupier claiming to be rated shall not be bound to pay or tender more than the Amount then payable under such Composition: Provided also, that where, by virtue of any Act of Parliament, the Landlord is liable to the Payment of the Rate for the Relief of the Poor in respect of any Premises occupied by his Tenant, nothing herein contained shall be deemed to vary or discharge the Liability of such Landlord; but in case the Tenant who has been rated for such Premises in consequence of any such Claim as aforesaid make default in the Payment of the Rate for the Relief of the Poor payable in respect thereof, such Landlord shall be and remain liable

for the Payment thereof, in the same Manner as if he alone had been rated in respect of the Premises so occupied by his Tenant.

Right of Occupier so claiming to vote in Elections.

VII. Any Occupier who under this Act is rated or deemed to be rated to the Relief of the Poor in any Parish, and has been so rated or deemed to be rated for *One Year* next before any Election of Vestrymen, Auditors, or Churchwardens under the said Act or this Act, shall be entitled to vote in such Election, and be deemed a Ratepayer of such Parish, and be entitled to act as such, provided all Parochial Rates, Taxes, and Assessments due in respect of the same Premises at the Time of his so voting or acting, except such as have been made or become due within *Six Months* immediately preceding such voting or acting, have been paid.

Rental to be determined by Column headed "Gross estimated Rental."

VIII. And whereas by the Act of the Session holden in the Sixth and Seventh Years of King William, Chapter Ninety-six, "to regulate Parochial Assessments," it is required that every Rate for the Relief of the Poor shall, in addition to any other Particular which the Form of making out such Rate shall require to be set forth, contain an Account of every Particular set forth at the Head of the respective Columns in the Form given in the Schedule to that Act annexed, so far as the same can be ascertained, and in the Form in the said Schedule are Two Columns headed respectively "Gross estimated Rental" and "Rateable Value:" And whereas by the said Act of the last Session it is required that in order to qualify a Person to be elected a Vestryman or Auditor he should be rated to the Relief of the Poor upon a Rental of such Amount as therein mentioned: And whereas Doubts are entertained which of the Amounts specified in the said Two Columns is to be deemed the "Rental" for the Purposes of the last-mentioned Act:

The Amount specified in the said Column headed "Gross estimated Rental" shall be deemed the "Rental" for the Purposes of the last-mentioned Act.

Acts to be read together.

IX. The said Act of the last Session and this Act shall be construed together as One Act.

Metropolis Local Management Act Amendment.

(No. 2.)

A

BILL

To amend the Act of the last Session of Parliament, Chapter One hundred and twenty, for the better Local Management of the Metropolis.

(Prepared and brought in by Sir Benjamin Hall and Mr. Attorney General.)

Ordered, by The House of Commons, *to be Printed,* 20 *June* 1856.

[Bill 194.]

Under 1 *oz.*

Metropolitan Police Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 10 G. 4. c. 44. and 2 & 3 Vict. c. 47.

One Commissioner of Police only to be hereafter appointed; Sect. 1.

Two Assistant Commissioners of Police to be appointed; 2.

Salaries of Commissioner and Assistant Commissioners; 3.

Assistant Commissioners to be within the Superannuation Act, 4 & 5 W. 4. c. 24.; 4.

The Powers of the Commissioners of Police to be vested in the sole Commissioner; 5.

Duties of Assistant Commissioners; 6.

Matters now required to be done by One of the Commissioners of Police to be done either by the Commissioner or an Assistant Commissioner, as the Secretary of State may direct; 7.

In case of Vacancy of Office of Commissioner of Police, or of his Illness or Absence, an Assistant Commissioner may be authorized to act for him; 8.

Certain Provisions applicable to the Commissioners of Police to be applicable to the Assistant Commissioners; 9.

Acts done by One Commissioner during the Vacancy in the Office of the other confirmed; 10.

A

B I L L

TO

Amend the Acts relating to the Metropolitan Police.

WHEREAS by an Act passed in the Tenth Year of King George the Fourth, Chapter Forty-four, "for improving "the Police in and near the Metropolis," Provision was made for the Appointment of Two fit Persons as Justices of the Peace of the Counties of Middlesex, Surrey, Hertford, Essex, and Kent, and of all Liberties therein, to execute the Duties in the said Act mentioned: And whereas by an Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Forty-seven, "for "further improving the Police in and near the Metropolis," it was provided, that it should be lawful for Her Majesty to appoint the Justices appointed and to be appointed under the said Act of the Tenth Year of King George the Fourth to be Justices of the Peace for the Counties of Berkshire and Buckinghamshire, and that the said Justices should be styled "The Commissioners of Police of the Metropolis:" Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 10 G. 4. c. 44. 2 & 3 Vict. c. 47.

I. There shall be appointed from Time to Time under the said Acts and be but One Commissioner of Police, who shall be styled "The One Commissioner of Police only

to be hereafter appointed.

"The Commissioner of Police of the Metropolis;" and the Person who at the Time of the passing of this Act may be the surviving or continuing Commissioner appointed under the said Acts or either of them shall be such Commissioner of Police of the Metropolis; and all the Provisions of the said Acts concerning the Removal and Appointment from Time to Time of the said Justices or Commissioners, or either of them, shall be applicable to the Removal and Appointment from Time to Time of "The Commissioner of Police of the Metropolis."

Two Assistant Commissioners of Police to be appointed.

II. It shall be lawful for Her Majesty, by Warrant under Her Sign Manual, to appoint Two fit Persons to be during Her Majesty's Pleasure Assistant Commissioners of Police of the Metropolis, and upon every Vacancy in the Office of any such Assistant Commissioner in like Manner to appoint some other Person to such Office; and every such Assistant Commissioner shall by virtue of and during the Continuance of such Appointment be a Justice of the Peace of the Counties of Middlesex, Surrey, Hertford, Essex, Kent, Berkshire, and Buckinghamshire, and of all Liberties therein, and execute the Duties of a Justice of the Peace for the said several Counties and for all Liberties therein, although he may not have the Qualification by Estate required by Law in the Case of other Persons being Justices of the Peace for Counties: Provided always, that no such Assistant Commissioner shall act as a Justice of the Peace at any Court of General or Quarter Sessions, or in any Matter out of Sessions, except for the Preservation of the Peace, the Prevention of Crimes, the Detention and Committal of Offenders, and in carrying into execution the Purposes of this Act and the said recited Acts.

Salaries of Commissioner and Assistant Commissioners.

III. There shall be paid to the Commissioner of Police of the Metropolis such Salary not exceeding *Fifteen hundred Pounds* per Annum, and to each of the said Assistant Commissioners such Salary not exceeding *Eight hundred Pounds* per Annum, as shall be from Time to Time appointed by the Commissioners of Her Majesty's Treasury, such Salaries respectively to be deemed to include the Remuneration for all Duties which under the said Acts and this Act, or under any other Acts of Parliament, the said Commissioner of Police and Assistant Commissioners respectively are or may be required or appointed to perform, and such Salaries shall be from Time to Time paid out of such Monies as may be from Time to Time provided and appropriated by Parliament for the Purpose.

IV. The

IV. The said Assistant Commissioners of Police shall be within the Provisions of the Act of the Session holden in the Fourth and Fifth Years of King William the Fourth, Chapter Twenty-four, in like Manner as if their Offices were enumerated in the Schedule to that Act.

Assistant Commissioners to be within the Superannuation Act, 4 & 5 W. 4. c. 24.

V. All the Jurisdictions, Duties, Powers, and Authorities which, under the said Acts of the Tenth Year of King George the Fourth and the Second and Third Years of Her Majesty, or either of them, or under any other Act of Parliament, are vested in or imposed on, or should or might, if this Act had not been passed, have been performed or exercised by, the Commissioners of Police of the Metropolis, shall be vested in and imposed on and shall and may be performed and exercised by the Commissioner of Police of the Metropolis; and all Enactments contained in the said Acts or any Act of Parliament having reference to the Commissioners of Police of the Metropolis shall be applicable to the said Commissioner, save where otherwise provided by this Act.

The Powers of the Commissioners of Police to be vested in the sole Commissioner.

VI. The Assistant Commissioners, and each or either of them, shall respectively, under the Superintendence and Control of the Commissioner of Police of the Metropolis, do and perform such Acts and Duties in execution of the Acts relating to the said Police as may be from Time to Time directed by any Orders and Regulations made by the Commissioner of Police of the Metropolis, with the Approbation of One of Her Majesty's Principal Secretaries of State.

Duties of Assistant Commissioners.

VII. Where by any Act of Parliament the Provisions of such Act are required or authorized to be executed or any Things are required or authorized to be done by One of the Commissioners of Police of the Metropolis appointed in that Behalf by One of Her Majesty's Principal Secretaries of State, such Provisions and Things shall be executed and done respectively by the Commissioner of Police of the Metropolis, or by One of the Assistant Commissioners nominated by the Secretary of State in this Behalf, as the Secretary of State shall direct.

Matters now required to be done by One of the Commissioners of the Police to be done either by the Commissioner or an Assistant Commissioner, as the Secretary of State may direct.

VIII. In case of any Vacancy in the Office of Commissioner of Police of the Metropolis, or in case of the Illness or Absence of any such Commissioner, it shall be lawful for such One of the said Assistant Commissioners as may be authorized by Writing under the Hand and Seal of One of Her Majesty's Principal Secretaries of State for

In case of Vacancy of Office of Commissioner of Police, or of his Illness or

Absence, an Assistant Commissioner may be authorized to act for him.

for this Purpose to do all such Acts as it would be competent for the Commissioner of Police of the Metropolis to do, and all Acts done by any Assistant Commissioner so authorized shall be as valid and effectual as if done by the Commissioner of Police of the Metropolis if the Office had not been vacant, or (as the Case may be) if the Commissioner had been present and acting.

Provisions restraining Assistant Commissioners of Police from sitting in Parliament or interfering in Elections to apply to the Assistant Commissioners.

IX. The Provision of the firstly-recited Act for preventing any Justice of the Peace appointed by virtue of that Act from being elected or sitting as a Member of the House of Commons, or voting in certain Elections of Members to serve in Parliament, or indirectly interfering therein, shall apply to and include the said Assistant Commissioners to be appointed under this Act.

Acts done by One Commissioner during the Vacancy in the Office of the other confirmed.

X. All Acts which, during any Vacancy in the Office of One of the Commissioners of Police of the Metropolis, have been done by the surviving or continuing Commissioner, shall be and be deemed to have been as valid and effectual as if there had been no such Vacancy, and such Acts had been done by both the Commissioners.

Metropolitan Police.

A

BILL

To amend the Acts relating to the Metropolitan Police.

(Prepared and brought in by Sir George Grey and Mr. Massey.)

Ordered, by The House of Commons, *to be Printed, 4 February* 1856.

[Bill 7.]

Under 1 *oz.*

A

BILL

TO

Suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

Preamble.

WHEREAS it is expedient to suspend for a further Period the Ballots for the Militia of the United Kingdom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Meetings relating to the Militia of the United Kingdom and Ballots for such Militia suspended.

I. All General and Subdivision Meetings relating to the Militia of the United Kingdom, and all Proceedings relating to procuring any Returns, or preparing or making out Lists of such Militia or any Part thereof, for the Purpose of a Ballot, or relating to balloting for any Militiamen or supplying any Vacancies in such Militia by Ballot, as are or may be directed or authorized by or under any Act of Parliament now in force, shall cease and remain suspended until the *First Day of October One thousand eight hundred and fifty-seven.*

Proceedings may be had during such

II. Provided always, That it shall be lawful for Her Majesty by any Order in Council to direct that any Proceedings shall be had at any

Suspension by Order in Council.

any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in the United Kingdom relating to the giving Notices for and Returns for Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Times respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to Lord Lieutenants, or Deputy Lieutenants acting for Lord Lieutenants, of the several Counties, Shires, Cities, and Places in the United Kingdom; and all the Provisions of the several Acts in force in the United Kingdom relating to the Militia shall, upon any such Order, and Direction given in pursuance thereof, become and be in full Force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia.

Not to extend to prevent the holding of certain Meetings relating to the Militia.

III. Provided also, That nothing herein contained shall extend to prevent the holding before the Expiration of such Period as aforesaid of such General or other Meetings relating to the Militia of the United Kingdom as may be called in Great Britain under the Authority of One of Her Majesty's Principal Secretaries of State, or in Ireland under the Authority of the Lord Lieutenant or other Chief Governor or Governors of Ireland, or of any Meeting which may be called for the Purpose of altering, enlarging, or providing any Place for the Reception of the Arms, Accoutrements, Clothing, or other Stores belonging to the Militia.

Militia Ballots Suspension.

A

BILL

To suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

(Prepared and brought in by Mr. Peel and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 30 *June* 1856.

[Bill 213.]

Under 1 *oz.*

A

BILL

TO

Defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers.

WHEREAS it is necessary that Provision should be made for defraying the Charge of the Pay, Clothing, and contingent and other Expenses of the Regular Militia, and of the Miners of Cornwall and Devon, when disembodied, in Great Britain and Ireland, and for making in certain Cases Allowances of Retired Pay to Subaltern Officers and Surgeons Mates and Assistant Surgeons of the Regular Militia, and of the Miners of Devon and Cornwall, also to Adjutants, Paymasters, Surgeons, and Quartermasters of the Regular Militia who have been allowed to retire, and to Adjutants disabled after long Service: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, Preamble.

Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Secretary of State for War to issue the Money required for Pay of Regular Militia.

I. The Secretary of State for War for the Time being shall cause to be issued and paid the whole Sum required for the Regular Militia of Great Britain and Ireland (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the said Regular Militia at the daily Rates following; (that is to say,)

Rates of Pay.

For each Adjutant of Infantry, *Eight Shillings*, and of Artillery, *Nine Shillings:*

For each Quartermaster, where One had been appointed during Embodiment in Corps consisting of not less than Three hundred and Sixty Private Men, *Five Shillings* per Diem; and of less than Three hundred and Sixty Private Men, *Three Shillings and Sixpence* per Diem:

For each Serjeant Major of Infantry, where One is appointed in Corps consisting of Two or more Companies, *One Shilling and Tenpence*, and of Artillery, *Three Shillings:*

For each Quartermaster Serjeant and Paymaster Serjeant (in Corps whose Establishment exceeds Four Companies) of Infantry, *One Shilling and Eightpence*, and of Artillery, *Two Shillings and Sixpence;* and to the Serjeant performing the Duty of both Quartermaster Serjeant and Paymaster Serjeant (in Corps consisting of Four Companies or less) of Infantry, *One Shilling and Eightpence*, and of Artillery, *Two Shillings and Sixpence:*

For each Serjeant of Infantry, *One Shilling and Sixpence*, and of Artillery, *Two Shillings and Twopence:*

For each Drummer, Trumpeter, or Bugler above Sixteen Years of Age, *One Shilling*, and under Sixteen Years of Age, *Tenpence:*

Rates of Pay when absent on Furlough.

Provided always, that when any Serjeant Major or Serjeant shall be absent on Furlough or Licence he shall during such Absence receive *Sixpence* per Diem less than the above-mentioned Rates respectively:

Contingent Fund.

And also at Rates varying from *Two Shillings* to *Sixpence* per Annum for each Private Man for defraying the contingent Expenses of each Regiment, Battalion, or Corps, when enrolled:

Clothing.

And the Secretary of State for War for the Time being shall give the necessary Instructions for the Provision of Clothing for each Serjeant Major, Serjeant, and Drummer on the Disembodied Staff of the Militia of Great Britain and Ireland who shall be resident at Head Quarters, and the said Disembodied Staff shall be entitled to be clothed once in Two Years.

Adjutant, &c. to reside where the Secretary of State for War shall appoint.

II. Except when employed as herein-after provided, every Adjutant and Non-commissioned Officer on the Staff of the Regular Militia, when disembodied, shall reside in such Places as shall be sanctioned by the Secretary of State for War, and every such Adjutant

tant and Non-commissioned Officer shall forfeit his Pay for any Period during which he shall be absent, except when employed as herein-after provided, or when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers at the same Time.

Adjutants, Quartermasters, and Non-commissioned Officers of Militia may be employed in their Counties.

III. Every Adjutant, Quartermaster, and Non-commissioned Officer of the Regular Militia, when disembodied, and not called out for Training or Exercise, shall be liable to be employed within the County to which the Regiment, Battalion, or Company of the said Militia Staff belongs, under the Officers appointed to pay and superintend the Out-Pensioners of Chelsea Hospital, in such Manner as One of Her Majesty's Principal Secretaries of State may determine.

Quartermaster, &c. to have Charge of the Arms and Clothing. Adjutant to issue the Money for contingent Expenses on an Order signed by the Colonel.

IV. The Quartermaster of each Regiment of Militia in which a Quartermaster is appointed and receives daily Pay under the Provisions of the First Section of this Act, and when no Quartermaster is appointed, then the Adjutant of each Regiment of Militia, shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant, and the Adjutant shall, out of the Allowance directed by this Act to be issued and paid for defraying the contingent Expenses of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expenses, upon an Order in Writing signed by the Colonel or other Commandant, and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts, so allowed and signed, shall be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money: Provided always, that it shall and may be lawful for the Secretary of State for War to order and direct that the Arms, Accoutrements, and other Stores, or any Part thereof, belonging to any Regiment, Battalion, or Corps of Militia of the United Kingdom shall at any Time, while such Regiment, Battalion, or Corps shall not be embodied or in actual Service, be conveyed to and deposited and kept in any of Her Majesty's War Department Stores.

Balance to form a Stock Purse.

Arms may be deposited in War Department Stores, by order of Secretary of State for War.

In Absence of the Adjutant, the Ser-

V. In the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Disembodied Staff is quar-

jeants to be under the Command of the Quartermaster, and, in his Absence, of the Serjeant Major.

tered, or during any Vacancy in the Appointment of Adjutant, the Serjeants and Drummers shall be under the Command of the Quartermaster in Cases in which One is appointed, and when no Quartermaster is appointed or is present, then under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant and Quartermaster; and the said Quartermaster and Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

Militia when called out for Training or Exercise entitled to Pay.

VI. The Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the following daily Rates of Pay and Allowances:

	Infantry.			Artillery.		
	£	s.	d.	£	s.	d.
Colonel	1	2	6	1	2	6
Lieutenant-Colonel	0	15	11	0	15	11
Major	0	14	1	0	14	1
Captain (including non-effective Allowance)	0	10	6	0	10	6
Lieutenant	0	6	6	0	6	6
Ensign	0	5	3	0	5	3
Adjutant, if acting also as Paymaster in Corps consisting of Four Companies and upwards*	0	3	9	0	3	9
„ if acting also as Paymaster in Corps consisting of less than Four Companies*	0	2	6	0	2	6
„ if acting also as Paymaster and Quartermaster in Corps consisting of Four Companies and upwards*	0	7	0	0	7	0
„ if acting also as Paymaster and Quartermaster in Corps consisting of less than Four Companies*	0	4	6	0	4	6
Quartermaster (if not holding a Subaltern's Commission)	0	6	6	0	6	6
„ (if holding a Subaltern's Commission)	0	3	6	0	3	6
Surgeon	0	11	4	0	11	4
Assistant Surgeon	0	7	6	0	7	6
Serjeant Major*	0	0	$2\frac{3}{4}$	0	0	6
Quartermaster Serjeant*	0	0	$4\frac{3}{4}$	0	0	4
Paymaster Serjeant*	0	0	$4\frac{3}{4}$	0	0	4
Serjeant (if on the Permanent Staff)	0	0	$0\frac{3}{4}$	0	0	4
„ (if not on the Permanent Staff)	0	1	$6\frac{3}{4}$	0	2	6
Corporal	0	1	$2\frac{1}{4}$	0	1	$4\frac{1}{4}$
Drummer, Bugler, or Trumpeter	0	0	1	0	0	3
Private	0	1	0	0	1	2
Command Allowance to the Officer actually in Command during Training and Exercise, if the Pay of Colonel is not drawn	0	3	0	0	3	0
Beer Money to each Non-commissioned Officer, Drummer, and Private present at Training and Exercise	0	0	1	0	0	1

* These Rates of Pay, during Training and Exercise only, are in addition to the Daily Rates of Disembodied Pay granted by Section I.

VII. Volunteers

VII. Volunteers may, with the Sanction of the Secretary of State for War, when attached to Regiments of the Line to qualify themselves for the Permanent Staff, either as Serjeants or Drummers, be allowed Pay whilst so under Instruction, but while they remain so attached they will be under the Command of the Officer commanding the Regiment of the Line equally with the Soldiers of that Regiment, and will be subject to the Provisions of the Mutiny Act. Volunteers attached to Regiments of the Line to be subject to the Mutiny Act.

VIII. And whereas certain Lieutenants, Ensigns, and Surgeons Mates of the Militia of Great Britain, or Subaltern Officers and Assistant Surgeons of the Militia of Ireland, when unfit for further Duty, have been placed upon a retired Allowance equal to and instead of the Allowance granted to them on the disembodying of the Militia at the Termination of the War in the Year One thousand eight hundred and fifteen: And whereas certain Paymasters, Surgeons, and Quartermasters, when unfit for Duty, have also been placed on a retired Allowance equal to and instead of their reduced Allowances granted to them in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King George the Fourth, all such Paymasters, Surgeons, Quartermasters, Subalterns, Surgeons Mates, and Assistant Surgeons, to entitle them to the Receipt of such retired Allowances, shall make and subscribe the following Declaration; (videlicet,) Certain Officers unfit for Duty entitled to a retired Allowance, upon making the following Declaration.

'I do solemnly and sincerely declare, That I formerly served as a in the Militia; that I am not in Holy Orders; and that from the Day of to the Day of I did not hold or enjoy any Place or Employment of Profit, Civil or Military, under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, besides my Allowance of per Diem as a of the said Militia, except my Half Pay or Civil Pension as a .' Form of Declaration.

IX. And whereas certain Non-commissioned Officers and Drummers of the Militia of the United Kingdom of Great Britain and Ireland have, on the Reduction of the Establishment of the Disembodied Staff, been placed on the Out-Pension, although not unfit for further Service: No Non-commissioned Officer or Drummer so placed on Pension shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia. Out-Pension to reduced Non-commissioned Officers and Drummers not to be received while serving.

X. Provided always, That any Person, being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of Her Majesty's Regular Forces or Navy or Marines, and serving in the Militia, may receive the Pay and Allowances by this Act directed to be paid to the Field Officers, Persons on Half Pay, or entitled to Allowance as having served in the Army or

Navy, empowered to receive Pay, &c. during Training.

Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon, shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided also, that such Person shall, in the Declaration to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Adjutants, &c., Non-commissioned Officers, or Privates, not to lose their Right to Chelsea or Kilmainham Pensions, &c.

XI. Provided always, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular Militia, entitled to receive any Chelsea or Kilmainham Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such Chelsea or Kilmainham Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Allowance to be made for Medicines

XII. There shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of *One Guinea* for every One hundred Men of each such Regiment, for the Expense of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training, and also an Allowance of *Twopence* per Week for each of the Non-commissioned Officers and their Families of each Regiment on the Disembodied Staff at Head Quarters, for the Expenses of necessary Medicines and Attendance given to the said Non-commissioned Officers and their Families while such Regiment is not called out for Training and Exercise.

Reduced Adjutants to receive 4*s.* per Day till 31st July 1857.

XIII. In case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of *Four Shillings* per Diem shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction, from the Thirty-first Day of July One thousand eight hundred and fifty-six, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,)

be,) to the *Thirty-first Day of July One thousand eight hundred and fifty-seven*, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia, by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Right to Half Pay reserved.

XIV. And whereas certain Adjutants are entitled to and have received certain Allowances in consequence of having been reduced under the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of King George the Third, which Allowances have been continued, and as to such Adjutants augmented to Four Shillings per Diem: All such Adjutants shall be entitled to receive and shall receive such Allowance from the Thirty-first Day of July One thousand eight hundred and fifty-six to the *Thirty-first Day of July One thousand eight hundred and fifty-seven*.

Adjutants entitled to Allowance under 39 & 40 G. 3. c. 44.

XV. Every reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years of the Reign of King George the Third, and continued by any subsequent Act or by this Act, may receive such Allowance, together with any Full Pay, Half Pay, or Allowance which was tenable together with such reduced Allowance under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of King George the Third, intituled "An Act for amending and reducing into One Act of Par- "liament the Laws relating to the Militia in that Part of Great "Britain called England," or under the Provisions of the aforesaid Act of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King George the Third: Provided always, that no such reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office of Profit under Her Majesty, other than such as aforesaid, or under any other Government, or any Civil Office or Employment under Her Majesty, or any other Government, otherwise than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmity.

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26G.3.c.107.

Proviso.

XVI. And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quartermasters of Regular Militia who have by Age or Infirmity been rendered unfit for further Service; Such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the

Allowances to Adjutants, Surgeons, and Quartermasters.

same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Allowances granted to Adjutants on Completion of certain Periods of Service.

XVII. The following Allowances shall be granted and paid, under the Restrictions and Limitations herein-after expressed, to Adjutants of the Militia of Great Britain and Ireland, on the Completion of the following Periods of Service in Her Majesty's Regular Forces and in the Militia, if unfit, either by Age or Infirmity, for the Performance of the Duties of their Commissions; (that is to say,)

To every Adjutant who shall have completed in the Service a Period of, (videlicet,)

Fifteen Years, of which Five Years as an Adjutant of Militia, an Allowance of *Three Shillings* per Diem:

Twenty Years, of which Seven Years as an Adjutant of Militia, an Allowance of *Four Shillings* per Diem:

Twenty-five Years, of which Ten Years as an Adjutant of Militia, an Allowance of *Five Shillings* per Diem:

Thirty Years, of which Fifteen Years as an Adjutant of Militia, an Allowance of *Six Shillings* per Diem:

Provided, that such Adjutants shall retain any Right they may have to Half Pay or to Out-Pension, notwithstanding the Grant of such retired Allowance as aforesaid; and all such Allowances shall be granted upon the Production to the Secretary of State for War of a Certificate of such Service and Disability; and upon the Order of the Secretary of State for War, founded upon such Certificate, the Paymaster General shall pay to such Adjutant the above Allowance: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under Her Majesty or any other Government; and that no Person who before the First Day of June One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases the Royal Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary of State for War; and that no Person appointed on or after the First Day of June One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit

Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment.

Restrictions as to Allowances to reduced Adjutants of the Local Militia.

XVIII. And whereas certain Allowances have been granted to reduced Adjutants of the Local Militia: The said Allowances shall be issued and paid during the Continuance of this Act, under the Restrictions and in the Manner herein-after expressed: Provided always, that in the Cases in which any such Local Militia Adjutants have been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

A Declaration to be taken by Adjutants of Local Militia claiming the said Allowance.

XIX. Every Adjutant of Local Militia who shall claim under the Authority of this Act to receive any Part of the said Allowance shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe a Declaration before some One of Her Majesty's Justices of the Peace in the United Kingdom, or Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before some One of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (that is to say,)

'I *A.B.* do solemnly and sincerely declare, That I was serving as 'Adjutant in the of Local Militia at the Reduction of 'the Staff of the said Militia in One thousand eight hundred and 'twenty-nine; and that I was not in Holy Orders during any Part of 'the Period for which I now claim to receive an Allowance, that is to 'say, from the Day of One thousand eight 'hundred and to the Day of One 'thousand eight hundred and ; and that I did not 'hold or enjoy, nor did any Person for me hold or enjoy, during any 'Part of the said Period, any Place, Office, or Employment of Profit, 'Civil or Military, under the Crown or any other Government, 'besides the Allowance of a Day now claimed, 'except my Half Pay as a [of the Army *or* Navy 'or Marines, *or* of a Provisional Battalion formed from the Militia, '*as the Case may be*].'

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Adjutant

claiming the Allowance: Provided always, that any Adjutant receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of Her Majesty's Regular Forces, or Navy, or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

Allowance to Clerks of General Meetings, &c.

XX. Where the Militia is raised by Ballot in Great Britain, Allowances shall be made and issued to the Clerks of General and Subdivision Meetings of Lieutenancy and others mentioned in Schedule A. to this Act for their Trouble and Expenses in the Execution of the Laws relating to the Militia at the Rates mentioned in the same Schedule; and where the Militia is raised in the United Kingdom otherwise than by Ballot, Allowances shall be made and issued to the Clerks of General Meetings for their Trouble and Expenses in the Execution of such Laws at the Rates mentioned in the Schedule B. to this Act.

Manner of granting Allowances.

XXI. The said Allowances shall be granted as follows; (videlicet,) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of Cornwall and Devon or by Two or more Deputy Wardens of the Stannaries of Cornwall and Devon; and the Clerks of General and Subdivision Meetings in Great Britain, and the Schoolmasters, Constables, and other Officers in Scotland, shall make a Declaration as to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; (videlicet,)

Clerks, &c. to make Declaration of the Justness of their Accounts.

Declaration of a Clerk of General or Subdivision Meetings.

'I do solemnly declare, That the preceding Account, 'so far as regards my Interest therein, is a just and true Account 'of Business performed by me for and in behalf of the Public Service, 'according to the Manner therein set forth; and the Sums claimed 'as disbursed were actually paid by me.'

Declaration of a Schoolmaster, Constable, or other Officer in Scotland.

'I do solemnly declare, That I am the Parochial 'Schoolmaster [*or* Constable *or other Officer*] of the District 'of in the Subdivision of the County 'of ; and that the preceding Account is a just and 'true Account of Business actually performed by myself for and in 'behalf of the Public Service according to the Manner therein set 'forth; and that I was employed on such Business the full Time 'therein stated; and that the Sums claimed as disbursed were 'actually paid by me.'

And

And the said Accounts shall be transmitted to the Secretary of State for War, who is hereby empowered to issue the Allowances according to the Rates specified in the respective Tables to this Act annexed, or such Sums as he shall think reasonable and proper.

Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

XXII. And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in Great Britain, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of Cornwall and Devon, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from compulsory Service in the Militia by reason of bodily Infirmity, and upon the Fitness for Service of the Persons presenting themselves for Enrolment: It shall be lawful for any Two Deputy Lieutenants and they are hereby empowered and required to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Enrolment shall be held to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, make the following Declaration, which Declaration any Deputy Lieutenant is hereby authorized to administer; (videlicet,)

Declaration to be made by Surgeon.

'I do solemnly declare, That I will, to the best of my Ability, faithfully and truly report as to the Fitness for Service of the Man or Men about to be submitted to my Examination, and that I will not receive from any of them any Fee or Reward whatever for any such Examination.'

Allowance to Surgeon.

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than *Half a Guinea*, nor exceeding *Two Guineas*, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary of State for War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Pay, &c. to be issued under Directions of the Secretary of State for War.

XXIII. All Sums of Money granted for the Pay, contingent and other Expenses, and for the Allowances to the Officers and Men of the Regular and Local Militia, when disembodied, shall be issued and paid under the Direction of the Secretary of State for War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Bills drawn for Pay, &c. may be on

XXIV. All Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be drawn upon unstamped Paper; and no such

unstamped Paper.

such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

No Fee to be taken.

XXV. No Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

All Things in this Act relating to Counties shall extend to Ridings, Shires, &c.

XXVI. All Things in this Act contained relating to Counties, and to Regiments of Militia respectively, shall be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of Cornwall and Devon.

Continuance of Act.

XXVII. This Act shall take effect and continue in force from the Thirty-first Day of July One thousand eight hundred and fifty-six until the *First Day of September One thousand eight hundred and fifty-seven.*

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE A.

SCALE of RATES of REMUNERATION to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution the Acts relating to the Militia when the Militia are raised by Ballot.

ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

	£	s.	d.
1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) -	0	7	6
2. For attending General Meetings at which the Statutory Quorum of Lieutenancy shall be present, each - - -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - - -	1	11	6
Which Allowances are to be in full for engrossing Minutes, &c.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets, and the Stannaries of Cornwall and Devon, to return Lists, each	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland to return Lists, each - - - - - - - -	0	0	6
4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - - -	0	7	6
5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary-at-War (the latter Copy to be annexed to the Clerk's Accounts as a Voucher); videlicet,			
In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - - -	2	2	0
In Counties furnishing from 201 to 400 Men - -	3	3	0
Ditto - - from 401 to 600 Men - -	4	4	0
Ditto - - from 601 to 800 Men - -	5	5	0
Ditto - - from 801 Men and upwards -	6	6	0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done:			
In Counties furnishing a Quota of 200 Men or under -	1	1	0
Ditto - - - from 201 to 400 Men -	2	2	0
Ditto - - - from 401 to 600 Men -	3	3	0
Ditto - - - from 601 to 800 Men -	4	4	0
Ditto - - - from 801 Men and upwards	5	5	0

	£	s.	d.
7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Enrolment, Schedule (E.):			
For engrossing 50 Names and under	0	5	0
Ditto - 51 to 150 Names	0	10	0
Ditto - 151 to 250 Names	1	0	0
Ditto 251 Names and upwards	1	10	0
8. For drawing out fair Copy of the Lord Lieutenant's annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men:			
In Counties furnishing One Regiment, Battalion, or Corps	0	15	0
Ditto - Two Ditto	1	10	0
Ditto - Three Ditto	2	0	0
No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.			
Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.			
9. For Stationery:			
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men	2	0	0
Ditto - from 301 to 600 Men	3	0	0
Ditto - from 601 to 900 Men	4	0	0
Ditto - from 901 Men and upwards	5	0	0
10. For Copyings, Correspondence, &c. &c.:			
To the Clerk of the General Meetings in a County where the Number of the original Quota of the Militia is 200 Men or under	2	0	0
In a County furnishing from 201 to 400 Men	3	0	0
Ditto - from 401 to 600 Men	4	0	0
Ditto - from 601 to 800 Men	5	0	0
Ditto - from 801 Men and upwards	6	0	0
11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, &c., certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			

Training and Exercise.

12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice	0	0	6
13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for Her Majesty's Secretary of State for the Home Department in Counties in England and			

	£	s.	d.
Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion - - - -	1	0	0
In Counties in England, Wales, and Scotland furnishing One Regiment, Battalion, or Corps - - -	2	0	0
Ditto - Two - Ditto - - -	3	0	0
Ditto - Three - Ditto - - -	4	0	0

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - - - -	0	5	0
Or for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter -	0	1	0
15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present; videlicet, For receiving Lists and hearing Appeals, For balloting, For enrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised, which Allowance shall be in full for engrossing Minutes and making up Lists - - - -	2	2	0
And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists - - -	1	5	0
And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant -	0	15	0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon balloted Men, each Precept - - -	0	0	6
And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept - - -	0	0	6
17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the balloting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men	£2 per 1,000		
18. For making out the annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Apportionment of the Subdivision is - - 50 Men and under - - -	2	2	0
Ditto from 51 to 150 Men - - -	3	3	0
Ditto from 151 to 250 Men - - - -	4	4	0
Ditto from 251 Men and upwards -	5	5	0

	£	s.	d.
19. For making out fair and true Copies of Lists of Men enrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; (videlicet,)			
For a Roll containing 50 Names and under - -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 Names and upwards - -	1	0	0
20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	1	10	0
Ditto from 51 to 150 Men - -	2	0	0
Ditto from 151 to 250 Men - - -	2	10	0
Ditto from 251 Men and upwards - -	3	0	0
21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	2	0	0
Ditto from 51 to 150 Men - -	3	0	0
Ditto from 151 to 250 Men - - -	4	0	0
Ditto from 251 Men and upwards - -	5	0	0
22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 Men and upwards - -	1	0	0

Training and Exercise.

24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 50 Names and under -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 Names and upwards - -	1	0	0

	£	s.	d.
And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivision of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 10 Names and under -	0	0	6
Ditto from 11 to 30 Names - -	0	1	0
Ditto from 31 to 50 Names - -	0	2	6
Ditto from 51 to 70 Names - -	0	4	0
Ditto from 71 to 100 Names - -	0	7	0
Ditto from 100 upwards - - -	0	10	0
25. For making out full and true Lists of the Names and Dates of Enrolment of all Persons enrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise:			
For a Roll containing 20 Names and under - -	0	2	0
Ditto from 21 to 50 Names - -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 and upwards - -	1	0	0
26. For correcting the Books of Enrolment of the Subdivision so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Apportionment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 and upwards - -	1	0	0

ALLOWANCES to SCHOOLMASTERS in SCOTLAND.

27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	5	0
28. For making out Lists, for each Folio consisting of Sixty Lines - - - - -	0	1	0
29. For attending Meetings of Lieutenancy, each Meeting -	0	10	0
30. For filling up and delivering Notices to balloted Men, per Day - - - - - - -	0	5	0
31. For Stationery, per Annum - - -	0	5	0

ALLOWANCES to CONSTABLES in SCOTLAND.

32. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	4	0
33. For making out Lists, for each Folio consisting of Sixty Lines - - - - - -	0	1	0
34. For attending each Meeting of Lieutenancy, per Day -	0	4	0
35. For filling up and delivering Notices to balloted and enrolled Men, per Day - - - - -	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum - - - -	0	5	0

SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call the Person from a Distance to perform the Duty of a General or Subdivision Clerk, such Person shall have an Allowance for his travelling Expenses not exceeding *Ninepence* per Mile, and the Expenses of Tolls and Ferry Money; but the Particulars of such Expenses shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's annual Account.

38. The Expense necessarily incurred for the Use of the Room at the Place of Meeting to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

SCHEDULE B.

Scale of Rates of Remuneration to the Clerks of General Meetings for any Duty they may be required to perform under the Acts relating to the Militia, or by Her Majesty's Secretary of State, or (in Ireland) by the Lord Lieutenant, in execution of the Provisions of such Acts when the Militia is raised otherwise than by Ballot.

CLERKS OF GENERAL MEETINGS.

	Per Annum. £	s.	d.
For Trouble in executing the Duty required of them, including Copyings, Correspondence, and Stationery:			
In Counties where the Quota does not exceed 200 -	15	0	0
Where the Quota is			
Above 200, and not exceeding 400 - - -	20	0	0
Above 400, and not exceeding 500 - - -	25	0	0
And where the Quota exceeds 500, the following Additions for every 100, or fractional Part of 100:			
Above 500, and not exceeding 1,000 - - -	4	0	0
Above 1,000, and not exceeding 2,000 - -	3	0	0
Above 2,000, and not exceeding 3,000 - - -	2	0	0
Above 3,000, and not exceeding 4,000 - -	1	10	0
Above 4,000 - - - - - -	1	0	0
For convening and attending any General Meeting summoned by the distinct Order of the Secretary of State, or (in Ireland) of the Lord Lieutenant - - - -	2	2	0
The actual Expense incurred in printing or advertising, and for Postage, may be charged,			

Militia Pay.

A

BILL

To defray the Charge of the Pay, Cloathing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers.

(*Prepared and brought in by Mr. FitzRoy, Mr. Peel, and Viscount Palmerston.*)

Ordered, by The House of Commons, *to be Printed* 7 *July* 1856.

[Bill 228.]

Under 3 oz

(Ireland.)

A

BILL

TO

Amend the Act 17 & 18 Vict. c. 11., with a view to the Abolition of the Tax thereby imposed in lieu of Ministers Money in Ireland.

WHEREAS by an Act of the Session of Parliament holden in the Seventeenth Year of the Reign of Her present Majesty, intituled "An Act to amend the Laws relating "to Ministers Money, and the Church Temporalities (Ireland) Act," it is enacted as follows; that is to say: that the Collector General of Rates within the Municipal District of the City of Dublin, and the Boards of Guardians, and the Council of each of the Cities or Boroughs of Cork, Limerick, Waterford, Drogheda, Kilkenny, and Clonmel, and the Town Commissioners of Kinsale, in their respective Districts, shall cause to be raised in each Parish then liable to the Payment of Ministers Money in every Year, in Two equal Sums, the Amount ascertained, approved, and certified under the Provisions of the said Act with respect to such Parish, by means of a Rate, to be assessed and levied as therein provided, on all Houses situated in each such Parish respectively then liable to the Payment of Ministers Money, and being of the rated Value of more than Ten Pounds: And whereas it is by the said Act further enacted, that the Monies

Preamble.

17 & 18 Vict. c. 11.

so levied by and under the Authority of the Councils and Town Commissioners shall be paid to the respective Treasurers of the Cities and Towns in which the same are levied, and the Monies so levied under the said Act by and under the Authority of the said Boards of Guardians shall be paid to the Treasurers of their respective Unions to a separate Account, and all Monies levied under the said Act by the Collector General of Rates, and the Monies paid to the said Treasurers, shall be paid by them under the Provisions of the said recited Act into the Bank of Ireland to a separate Account in the Name of the Paymaster of the Civil Services in Ireland, and all Sums paid to such Paymaster shall be paid by him to "The Ecclesiastical Commissioners for Ireland:" And whereas it is further enacted by the said recited Act, that in case in any Half Year the Sums due on the Houses liable to the said Tax be not raised and paid over to the Paymaster of Civil Services, the same shall in case of such Default, with respect to any Parish in the immediate District of Dublin or in any of the other Cities and Boroughs therein mentioned, become and be a Debt due to the Crown, and recoverable as such from the City of Dublin, or from such other City or Borough in which such Default may happen; and the Lord Lieutenant of Ireland shall order all Sums which shall become due to the Crown to be recovered and paid to "The Ecclesiastical Commissioners for Ireland:" And whereas it is expedient to alter and amend the said recited Act so far as relates to the aforesaid Provisions, and not otherwise: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Provisions of recited Act relating to the Tax repealed.

I. That from and after the *passing of this Act* the aforesaid Provisions in the said recited Act, and all other Provisions relating to the said Tax contained in the Second, Third, Fourth, Fifth, Sixth, Seventh, Ninth, and Eleventh Sections of the said recited Act, shall be and are hereby repealed.

Ministers Money (Ireland).

A

B I L L

To amend the Act 17 & 18 Vict. c. 11., with a view to the Abolition of the Tax thereby imposed in lieu of Ministers Money in Ireland.

(*Prepared and brought in by Mr. Fagan and Mr. Beamish.*)

Ordered, by The House of Commons, *to be Printed*, 19 *February* 1856.

[Bill 40.]

Under 1 *oz.*

(Scotland.)

A

BILL

TO

Extend the Provisions of the Scottish Municipal Reform Act to certain Royal Burghs in Scotland now excluded from the Benefits of that Act.

Preamble.

Recital from Scottish Municipal Reform Act.

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, intituled "An Act to alter and amend the Laws for the Election of the Magistrates and Councils of the Royal Burghs in Scotland:" And whereas it is by the said Act enacted, "That nothing in this Act contained shall be held to affect or apply to the several Burghs contained in Schedule (F.) to this Act annexed, but the Election of Councillors and Magistrates in all the Burghs contained in the said Schedule (F.) shall proceed and be conducted in the Way and Manner hitherto practised in such Burghs, and as if this Act had not been passed:" And whereas much Loss, Inconvenience, and Discontent have been occasioned and still exist in the Burghs enumerated in the said Schedule (F.), partly in consequence of the close System of Election being practised in some of the said Burghs, in virtue of the said Enactment, and partly in consequence of there being no legal Magistrates and Councils in others of the said

Burghs, consequent on null or irregular Elections: For Redress and Prevention whereof it is expedient to extend to these Burghs the Laws now in force for the Election of the Magistrates and Councils of the other Royal Burghs of Scotland; Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Extension of said Act and 15 & 16 Vict. c. 32. and 17 & 18 Vict. c. 26. to certain Royal Burghs.

I. The Provisions of the said Act of the Third and Fourth Years of His said late Majesty King William the Fourth, and of an Act passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, intituled "An "Act to alter and amend certain Provisions in the Laws relating to "the Number and Election of Magistrates and Councillors in the "Burghs in Scotland," and of an Act passed in the Session of Parliament holden in the Sixteenth Year of the Reign of Her present Majesty, intituled "An Act to provide for the supplying of Vacancies "in Town Councils of Burghs in Scotland, consequent on null or "irregular Elections," shall affect and apply to the several Royal Burghs of Dornoch, New Galloway, Culross, Lochmaben, Bervie, Wester Anstruther, Kilremy, Kinghorn, and Kintore, enumerated in the said Schedule (F.) annexed to the said first-mentioned Act, in the same Manner as if the Enactment before recited had not been therein contained, and the said Schedule (F.) had not been thereto annexed, and the said Burghs had not been excepted from all or any of the Provisions of the said Acts.

Election of Town Council, &c.

II. Accordingly, the Town Council, Magistrates, and other Office Bearers of each of the said Burghs enumerated in the said Schedule (F.) shall at the next Annual Election be chosen by and from among the Persons, at the Times, and according to the Mode pointed out and prescribed in the said Acts for a First Annual Election in any of the Burghs not enumerated in Schedule (C.) annexed to the said first-mentioned Act; and upon the Completion of such First Election, and not sooner, the Magistrates and Councillors or the Judicial Managers now in Office in each of the said Burghs contained in the said Schedule (F.) shall go out, and their whole Powers, Duties, and Functions shall cease and determine, except only where any of them shall have been again elected under the Provisions of the said Acts and of this Act; and at every succeeding Annual Election in each of the said Burghs contained in the said Schedule (F.) Councillors shall go out of Office, and their Places shall be supplied, and the Magistrates and other Office Bearers shall be elected, by and from among the Persons, at the Times, and according to the Mode pointed out and prescribed in the said Acts for any succeeding Annual

Annual Election in any of the Burghs not enumerated in the said Schedule (C.)

Number of Councillors of said Burghs to be Six.

III. The Number of the Members of the Council of each of the said Burghs enumerated in the said Schedule (F.) shall at and after the next Annual Election be limited to *Six*, in which Number shall be included the Magistrates and other Office Bearers in use to be elected according to the present Sett and Constitution of such Burgh, and no larger Number of Councillors in any of the said Burghs shall in future be elected, any Law or Usage to the contrary notwithstanding.

Municipal Reform (Scotland).

A

B I L L

To extend the Provisions of the Scottish Municipal Reform Act to certain Royal Burghs in Scotland now excluded from the Benefits of that Act.

(*Prepared and brought in by Mr. Ewart, Mr. Ellice, and Mr. Baxter.*)

Ordered, by the House of Commons, *to be Printed*, 13 *February* 1856.

[Bill 31.]

Under 1 *oz.*

A

BILL

TO

Extend the Powers of the Trustees and Directors of the National Gallery, and to authorize the Sale of Works of Art belonging to the Public.

Preamble.

WHEREAS in pursuance of Recommendations of a Committee of the House of Commons Pictures and other Works of Art acquired for the National Gallery by Purchases out of Monies granted by Parliament, and by Bequests and Donations, have been placed under the Care and Ordering of Trustees and a Director (appointed by the Commissioners of Her Majesty's Treasury for that Purpose): And whereas it is expedient that Power should be given to dispose of such of the Pictures and other Works of Art under the Care and Ordering of the said Trustees and Director as may be unfit for a National Collection, and that Pictures and other Works of Art given to or for the Benefit of the Nation should, where no other Provision is made by the Donors, vest in and be under the Care and Ordering of the said Trustees and Director: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Pictures, &c. unfit to be preserved in the National Gallery may be sold.

I. The Trustees and Director of the National Gallery, or any Three or more of them, of whom the Director shall be one, present at any Meeting specially assembled for that Purpose, may from Time to Time, with the Consent of the Commissioners of Her Majesty's Treasury, order that any of the Pictures and Works of Art for the Time being under the Care of the said Trustees and Director, which they may adjudge to be unfit to be preserved as Part of the National Collection, be sold.

The Receipt of the Person authorized by the said Trustees and Director to sell such Pictures and Works of Art shall be a sufficient Discharge for the Money arising from such Sale, and such Money shall be paid over by the Person receiving the same into the Exchequer, and shall become Part of the Consolidated Fund of Great Britain and Ireland, or shall be paid to the Account of the Paymaster General at the Bank of England, to be laid out in the Purchase of other Pictures and Works of Art for the said National Collection, in like Manner as the Monies granted from Time to Time for that Purpose by Parliament, as the Commissioners of Her Majesty's Treasury for the Time being shall direct.

Pictures given to the Nation to vest in the Trustees and Director.

II. All Pictures and Works of Art which may be from Time to Time given or bequeathed to the Public or to the Nation, or given or bequeathed by Words showing an Intention that the Gift or Bequest should enure to or for the Benefit of the Public or the Nation, shall (unless the Donor or Testator shall have made other Provision for the Care thereof) vest in and be under the Care and Ordering of the said Trustees and Director of the National Gallery.

National Gallery.

A

BILL

To extend the Powers of the Trustees and Directors of the National Gallery, and to authorize the Sale of Works of Art belonging to the Public.

(*Prepared and brought in by Mr. Wilson and the Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,* 21 *April* 1856.

[Bill 105.]

Under 1 oz.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Extend the Powers of the Trustees and Directors of the National Gallery, and to authorize the Sale of Works of Art belonging to the Public.

WHEREAS Pictures and other Works of Art acquired for the National Gallery by Purchases out of Monies granted by Parliament, and by Bequests and Donations, have been placed under the Care and Ordering of Trustees and a Director (appointed by the Commissioners of Her Majesty's Treasury for that Purpose): And whereas it is expedient that Power should be given to dispose of such of the Pictures and other Works of Art under the Care and Ordering of the said Trustees and Director as they may adjudge to be unfit or not required for a National Collection, and that Pictures and other Works of Art given to or for the Benefit of the Nation should, where no other Provision is made by the Donors, vest in and be under the Care and Ordering of the said Trustees and Director: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Pictures, &c. unfit to be preserved in the National Gallery may be sold.

I. The Trustees and Director of the National Gallery, or any Three or more of them, of whom the Director shall be one, present at any Meeting specially assembled for that Purpose, may from Time to Time, with the Consent of the Commissioners of Her Majesty's Treasury, order that any of the Pictures and Works of Art for the Time being under the Care of the said Trustees and Director, which they may adjudge to be unfit for or not required as Part of the National Collection, be sold: Provided always, that any such Sale shall take place by Public Auction, and that an Account of the Monies arising therefrom shall be laid before Parliament in the annual Report of the Trustees and Directors; and provided also, that such Power of Sale shall not extend to such Pictures or other Works of Art as shall have been bequeathed or given to or for the Benefit of the Nation.

Proceeds of Sale.

II. The Receipt of the Person authorized by the said Trustees and Director to sell such Pictures and Works of Art shall be a sufficient Discharge for the Money arising from such Sale, and such Money shall be paid over by the Person receiving the same into the Exchequer, and shall become Part of the Consolidated Fund of Great Britain and Ireland.

Pictures given to the Nation to vest in the Trustees and Director.

III. All Pictures and Works of Art which may be from Time to Time given or bequeathed to the Public or to the Nation, or given or bequeathed by Words showing an Intention that the Gift or Bequest should enure to or for the Benefit of the Public or the Nation, shall (unless the Donor or Testator shall have made other Provision for the Care thereof) vest in and be under the Care and Ordering of the said Trustees and Director of the National Gallery.

National Gallery.

A

BILL

[AS AMENDED IN COMMITTEE]

To extend the Powers of the Trustees and Directors of the National Gallery, and to authorize the Sale of Works of Art belonging to the Public.

(*Prepared and brought in by Mr. Wilson and the Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,* 2 *May* 1856.

[Bill 119.]

Under 1 *oz.*

A

B I L L

[AS AMENDED BY THE LORDS]

INTITULED

An Act to extend the Powers of the Trustees and ~~Directors~~ *Director* of the National Gallery, and to authorize the Sale of Works of Art belonging to the Public.

[Note.—*The Words in Italics were added by the Lords, and the Words in erased Type were struck out by the Lords.*]

Preamble.

WHEREAS Pictures and other Works of Art acquired for the National Gallery by Purchases out of Monies granted by Parliament, and by Bequests and Donations, have been placed under the Care and Ordering of Trustees and a Director (appointed by the Commissioners of Her Majesty's Treasury for that Purpose): And whereas it is expedient that Power should be given to dispose of such of the Pictures and other Works of Art under the Care and Ordering of the said Trustees and Director as they may adjudge to be unfit or not required for a National Collection, and that Pictures and other Works of Art given to or for the Benefit of the Nation should, where no other Provision is made by the Donors, vest in and be under the Care and Ordering of the said Trustees and Director: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Pictures, &c. unfit to be preserved in the National Gallery may be sold.

I. The Trustees and Director of the National Gallery, or any Three or more of them, of whom the Director shall be one, present at any Meeting specially assembled for that Purpose, *by Fourteen Days previous Notice*, may from Time to Time, with the Consent *in Writing* of the Commissioners of Her Majesty's Treasury, order that any of the Pictures and Works of Art for the Time being under the Care of the said Trustees and Director, which ~~they~~ *have not been bequeathed or given to or for the Benefit of the Nation, and which the Trustees and Director, or any Three or more of them, as aforesaid*, may adjudge to be unfit for or not required as Part of the National Collection, be sold: ~~Provided always, that any such Sale shall take place~~ by Public Auction, and ~~that~~ a detailed Account of the Monies arising therefrom shall be laid before Parliament in the annual Report of the Trustees and ~~Directors; and provided also, that such Power of Sale shall not extend to such Pictures or other Works of Art as shall have become Part of the National Collection, and as such have been exhibited in the National Gallery to the Public, unless Intimation shall first have been given to the House of Commons of the Intention of the Director and Trustees to make such Sale, and that such Power of Sale shall in no Case extend to such Pictures or Works of Art as shall have been bequeathed or given to or for the Benefit of the Nation~~ *Director; provided, that if it shall be deemed fit by the Authorities aforesaid, with such Consent as aforesaid, to sell any Pictures which were not given or bequeathed to or for the Benefit of the Nation, but which have become Part of the National Collection, and as such been exhibited in the National Gallery, Copies of the Order to make such Sale, and of such Consent thereto, shall be laid on the Table of both Houses of Parliament Six Weeks previously to such Sale.*

Proceeds of Sale.

II. The Receipt of the Person authorized by the said Trustees and Director to sell such Pictures and Works of Art shall be a sufficient Discharge for the Money arising from such Sale, and such Money shall be paid over by the Person receiving the same into the Exchequer, and shall become Part of the Consolidated Fund of Great Britain and Ireland.

Pictures given to the Nation to vest in the Trustees and Director.

III. All Pictures and Works of Art which ~~may~~ *have already been or may hereafter* be from Time to Time given or bequeathed to the Public or to the Nation, or given or bequeathed by Words showing an Intention that the Gift or Bequest should enure to or for the Benefit of the Public or the Nation, shall (unless the Donor or Testator shall have made other Provision for the Care thereof) vest in and be under the Care and Ordering of the said Trustees and Director of the National Gallery: *Provided, that in each Case of Bequest the said Trustees and Director may select such of the Pictures and Works of*

of Art so bequeathed as they may deem fit to become Part of the National Collection, and the Remainder of the Pictures and Works of Art comprised in such Bequest, unless otherwise disposed of by any Testamentary Provision, shall become Part of the Residuary Estate of the Testator.

National Gallery.

A

B I L L

[AS AMENDED BY THE LORDS]

INTITULED

An Act to extend the Powers of the Trustees and ~~Directors~~ *Director* of the National Gallery, and to authorize the Sale of Works of Art belonging to the Public.

Ordered, by The House of Commons, *to be Printed,*
12 *June* 1856.

[Bill 175.]

Under 1 *oz.*

5 *June* 1856. 19 Vict.

A

BILL

TO

Provide a Site for a new National Gallery.

WHEREAS it is expedient that a Site should be provided for a new National Gallery, suitable for the Reception of the Pictures and Works of Art now under the Care of the Trustees and Director of the National Gallery, and of the Additions that may be from Time to Time made to that Collection by Purchases and Donations: And whereas the Commissioners for the Exhibition of 1851, with a view to secure adequate Space in the Metropolis for Institutions connected with Science and Art, have purchased (with Funds arising from the said Exhibition, and Monies granted in aid of those Funds by Parliament,) Land at Kensington Gore, the greater Part of the Land so purchased being within an Area bounded on the North by the Road running from Kensington to Knightsbridge, and on the East, South, and West by Three public Carriage Roads which have been made by the said Commissioners: And whereas it was agreed, on the Issue of the Public Money in aid of the Funds of the said Commissioners, that the Land so purchased within the said Area should be held subject to such Directions of Appropriation as should from Time to Time be issued by the Treasury in respect to such Part, not exceeding One Moiety, as should by Agreement between the Lords of the Treasury and the said Commissioners for the Exhi- Preamble.

bition be set apart for such Institutions connected with Science and Art as are more immediately dependent upon and supported by the Government from Funds voted by Parliament, and subject also, with respect to the other Part thereof, to such general Superintendence by the Lords of the Treasury as might be necessary to secure that the Appropriation proposed to be made, and all the Arrangements in relation thereto, as regards Buildings to be erected thereon, should be in conformity with some general Plan which should be adopted as applicable to all Parts of the Property, whether such Buildings should be erected from Public Monies or by private Subscription: And whereas it is desirable that a sufficient Part of the said Land should be appropriated as a Site for the new National Gallery, and the said Commissioners for the Exhibition of 1851 have consented to that Appropriation: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

A Site to be selected by the Commissioners of the Treasury.

I. It shall be lawful for the Commissioners of Her Majesty's Treasury to select and cause to be marked out or defined such Part of the said Land purchased by the said Commissioners for the Exhibition of 1851, and being within the Area aforesaid, as to the said Commissioners of the Treasury may appear suitable for the Purpose of a Site of a new National Gallery, with proper surrounding or adjoining Space and Approaches; and it shall be lawful for the said Commissioners for the Exhibition of 1851, by Deed under their Common Seal, to be inrolled among the Records of the Court of Exchequer, to convey the Land so selected and marked out or defined to the Commissioners of Her Majesty's Works and Public Buildings, to be held by such last-mentioned Commissioners in trust for the Purpose aforesaid.

National Gallery Site.

A

B I L L

To provide a Site for a new National Gallery.

(*Prepared and brought in by The Chancellor of the Exchequer and Mr. Wilson.*)

Ordered, by The House of Commons, *to be Printed,*
5 June 1856

[Bill 165.]

Under 1 *oz.*

(Scotland.)

A

B I L L

TO

Make further Provision for the Removal of Nuisances and Prevention of Diseases and for the Police of Towns in Scotland.

Preamble. 11 & 12 Vict. c. 123. 12 & 13 Vict. c. 111.

WHEREAS the Provisions of "The Nuisances Removal and Diseases Prevention Act, 1848," amended by "The Nuisances Removal and Diseases Prevention Amendment Act, 1849," are defective, and it is expedient to repeal the said Acts, so far as relates to Scotland, and to substitute other Provisions more effectual in that Behalf, and also to make Provision for the Supervision and Regulation of Common Lodging Houses, in Scotland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The Nuisances Removal, and Police of Towns (Scotland) Act, 1856."

Recited Acts repealed. Saving Proceedings in Progress.

II. From and after the *passing of this Act*, the said Acts are hereby repealed, in so far as they apply to Scotland: Provided always, that all Proceedings commenced or taken under the said Acts, and not yet completed, may be proceeded with under the said

said Acts; and all Orders in Council for Scotland, and all Directions and Regulations issued by the General Board of Health under the said Acts, and all Appointments made and all Contracts or Works undertaken by virtue of the said Acts, shall continue and be as effectual as if the said Acts had not been repealed.

Interpretation Clause.

Interpretation of Words.

III. In this Act the following Words and Expressions shall have the Meanings herein-after assigned to them: The Word "Owner" shall signify the Person for the Time entitled to receive, or who would if the same were let be entitled to receive, the Rents of the Premises, and shall include a Trustee, Factor, Tutor, or Curator, and in case of Public or Municipal Property shall apply to the Persons to whom the Management thereof is intrusted; the Word "Premises" shall include Lands, Buildings, or Places open, covered, or inclosed, public or private; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Women, Corporations, Statutory Boards, Joint Stock Companies, and Partnerships; the Expression "Author of a Nuisance" shall signify the Person through whose Act or Default the Nuisance is caused, exists, or is continued, whether he be the Owner or Occupier, or both; the Expression "Common Lodging House" shall signify a House or Part thereof where Lodgers are housed at an Amount not exceeding *Sixpence* per Night for each Person, whether the same be paid nightly, or for weekly, monthly, quarterly, or longer Periods, as well as to entire Houses occupied as Common Lodging Houses; the Expression "Keeper of a Common Lodging House" shall include any Person having or acting in the Care and Management of a Common Lodging House.

Constitution of general or local Authority and Appointment of Officers.

General Prison Board to superintend Execution of Act.

IV. The General Board of Directors of Prisons in Scotland, herein-after styled "The Board of Prisons," shall superintend the Execution of this Act in Scotland, and in such Superintendence may proceed in like Manner as they are authorized by Law to do in relation to Prisons; and the Secretary to the said Prison Board shall be its Secretary in the Execution of this Act.

May appoint Medical Inspectors.

V. The Board of Prisons may, with the Approval of One of Her Majesty's Principal Secretaries of State, appoint a Medical Officer to act as Inspector under their Direction for the Purposes of this Act, and may remove him at pleasure; and the Salary of such Medical Officer shall be fixed by the Commissioners of Her Majesty's Treasury, and shall not exceed the Sum of *Three hundred Pounds* per Annum, *and the same shall be paid out of any Monies that may be provided by Parliament for that Purpose.*

VI. The

VI. The following Bodies shall respectively be the local Authority to execute this Act in the Districts hereunder stated in Scotland: Local Authority.

In Places within the Jurisdiction of any Town Council, the Town Council; or in Places within the Jurisdiction of Police Commissioners under any General or Local Act, the Police Commissioners:

In any Parish or Part thereof over which the Jurisdiction of a Town Council does not extend, the Parochial Board of such Parish.

VII. The local Authority may appoint any Committee or Committees of their own Body to receive Notices, take Proceedings, and in all or certain specified respects execute this Act, whereof Two shall be a Quorum; and such local Authority, or their Committee, may, by Order in Writing, signed by the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf; and all Acts done or Proceedings taken by or against such Committee or Officer or Person shall be as valid as if they were done by or taken in the Name of all the Members of the local Authority. Committee may be appointed.

VIII. The local Authority shall for the Purposes of this Act appoint an Inspector or Inspectors of Nuisances, and an Inspector or Inspectors of Common Lodging Houses, and shall make Byelaws for regulating the Duties of such Inspector, and shall appoint convenient Places for their Offices, and shall allow to every such Inspector on account of his Employment a proper Salary. Local Authority to appoint Sanitary Inspectors.

PART I.

Removal of Nuisances.

IX. The Word "Nuisances" under this Act shall include—

(a) Any Insufficiency of Size, Defect of Structure, Want of Repairs, or other Matter or Circumstance rendering any inhabited House, Building, or Part thereof unwholesome or unfit for Human Habitation: Description of Nuisances under this Act.

(b) Any Pool, Watercourse, Ditch, Gutter, Drain, Privy, Urinal, Cesspool, or Ashpit, so foul as to be injurious to Health:

(c) Any Animal so kept as to be injurious to Health:

(d) Any Accumulation, or Deposit within the Limits of any Burgh, or within *Fifty* Yards of any Dwelling House, offensive or injurious to Health:

(e) Any Work, Manufactory, Trade, or Business offensive or injurious to the Health of the Neighbourhood:

Provided always, that in the foregoing Cases marked (d) and (e) no Nuisance under this Act shall be held to exist where the best means known for remedying or mitigating the injurious Effects thereof shall be proved to be used, and in the Case marked (d) where such Accumulation or Deposit shall also be found to be necessary, and continued no longer than is necessary for the Purposes of a Manufacture or Business in which the same is required.

Power of Entry to local Authority or their Officer.

X. If the local Authority or Inspector of Nuisances have reasonable Grounds for believing that Nuisance exists in any private Premises, such local Authority or Inspector may demand to be admitted to inspect the same, at any Hour between *Nine* in the Morning and *Six* in the Evening, and if Admission be refused may apply to any Justice of the Peace having Jurisdiction in the Place, stating on Oath such Belief; and such Justice may, by Order in Writing, require the Occupier or Person having the Custody of such Premises to admit the local Authority or Inspector; and if such Occupier or Person refuse to obey such Order, he shall, on Conviction of such Offence, be liable to a Penalty not exceeding *Five Pounds;* and if no such Occupier or Person can be discovered, the local Authority or their Officers may enter the Premises.

Proceedings by local Authority when Nuisances are ascertained to exist.

XI. In any Case where the Existence of a Nuisance is ascertained on Examination by the local Authority, or is certified to them in Writing, signed by the Medical Officer of the Parish, or where the Nuisance in the Opinion of the local Authority did exist at the Time when Demand of Admission was made or the Certificate was given, and, although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated, they shall apply to the Sheriff by summary Petition in manner hereinafter directed; and if it appear to his Satisfaction that the Nuisance exists, or, if removed or discontinued since the Demand of Admission was made or the Certificate was given, that it is likely to recur or to be repeated, the Sheriff shall decern for the Removal or Remedy or Discontinuance or Interdict of the Nuisance, as hereinafter mentioned; provided that in the Cases under the Head marked (e) in Section Nine such Application shall be made only on Medical Certificate as aforesaid.

Form of Interlocutor.

XII. It shall not be necessary to restrict such Decree to any special Remedy prayed for in the Petition, but the Sheriff may, as the Case shall require, ordain the Author of the Nuisance to provide sufficient Privy Accommodation, Means of Drainage or Ventilation for,

for, or to repair, make safe, and habitable, or to pave, cleanse, whitewash, disinfect, or purify, the Dwelling House, Building, or Premises, or to drain, empty, cleanse, fill up, cover, repair, or remove any Pool, Ditch, Gutter, Watercourse, Privy, Cesspool, Drain, or Ashpit, or to provide a Substitute for that complained of, or to remove the Animal, or to carry away the offensive Matter, or to discontinue the Work, Trade, Manufactory, or Business, or prevent the injurious Effects thereof, (according to the Nature of the Case,) or to do such other Works or Acts as are necessary to remove the Nuisance complained of, in such Manner and within such Time as in the Interlocutor shall be specified; and if the Sheriff is of opinion that such or the like Nuisance is likely to recur, he may further grant Interdict against the Recurrence of it, or otherwise as the Case may in his Judgment require; and if the Nuisance proved to exist be such as to render a House or Building in the Judgment of the Sheriff unfit for Human Habitation, he may prohibit the using thereof for that Purpose until it is rendered fit for that Purpose in the Judgment of the Sheriff, or otherwise as the Case may in the Judgment of the Sheriff require.

Interdict against future Nuisance.

XIII. If the said Decree be not complied with in good and sufficient Manner, the Author of the Nuisance shall be liable, in the Case of Nuisances specified in Clauses (a.), (b.), (c.), and (d.), in Section Nine of this Act, to a Penalty of not more than *Ten Shillings* per Day during his Failure so to comply; and if the said Interdict be knowingly infringed by the Act or Authority of the Owner or Occupier, such Owner or Occupier shall be liable for every such Offence to a Penalty not exceeding *Twenty Shillings* per Day during such Infringement; and in the Case of Nuisances specified in Clause (e.) in the said Section, the Party not complying with or infringing such Decree shall be liable to a Penalty not exceeding *Five Pounds* nor less than *Two Pounds* for the First Offence, and of *Ten Pounds* for the Second, and for each subsequent Conviction a Sum *double* the Amount of the Penalty in the last preceding Conviction, but no Penalty shall exceed *Two hundred Pounds*: Provided always, in the Case of such last-mentioned Nuisance, that if it appears to the Sheriff that the best Means then known to be available for mitigating the Nuisance, or the injurious Effects thereof, have not been adopted, he may suspend his final Determination, upon Condition that the Author of the Nuisance shall undertake to adopt within a reasonable and definite Time such Means as the Sheriff shall judge to be practicable, and order to be carried into effect, for mitigating or preventing such injurious Effects.

Penalty for Contravention of Decree and of Interdict.

XIV. When it shall appear to the Sheriff that the Execution of structural Works is required for the Removal or Remedy of a Nuisance, he may direct such Works to be carried out under the Direction, or with the Consent or Approval of any Public Board,

Order when structural Works are required.

Trustees, or Commissioners having Jurisdiction in the Place in respect of similar Works, and he may, before making his Order, require the local Authority, within a Time to be specified by him, to furnish him with an Estimate of the Cost of the required Works.

Local Authority to do Works on Owner's or Occupier's Default.

XV. In case of Noncompliance with or Infringement of any Decree of the Sheriff as aforesaid, the local Authority may apply to the Sheriff for Authority to enter the Premises to which such Decree relates, and remove or remedy the Nuisance thereby condemned or interdicted, and do whatever may be necessary in execution of such Decree; or if in the original Application it appears to the Satisfaction of the Sheriff that the Author of the Nuisance is not known or cannot be found, then such Decree may at once ordain the local Authority to execute Works thereby directed; and all Expenses incurred by the local Authority in executing the Works may be recovered by an Action in the Small Debt Court, whatever may be their Amount.

If Person causing Nuisance cannot be found.

Manure, &c. to be sold.

XVI. Any Thing removed by the local Authority in pursuance of this Act may be sold by public Roup, after not less than *Five* Days Notice by printed Handbills posted in the Locality, except in Cases where Delay would be prejudicial to Health, when the Sheriff may order the immediate Removal, Destruction, or Sale of the Thing, and the Proceeds of the Sale shall be retained by the local Authority, and applied in Payment of all Expenses incurred under this Act with reference to such Nuisance, and the Surplus, if any, shall be paid, on Demand, by the local Authority, to the Owner of such Thing by whom the Balance of such Expenses shall be defrayed, if such Proceeds are insufficient for that Purpose.

Open Ditches, &c. to be covered or improved.

XVII. Whenever any Watercourse, Ditch, or Drain along the Side of any Public Road shall be used or partly used for the Conveyance of any Water, Sewage, or other Matter from any Premises, and cannot in the Opinion of the local Authority be rendered inoffensive and innocuous from Foulness or offensive Smell, without the laying down of a Sewer or of some other Structure along the same or Part thereof, or instead thereof, such local Authority shall and they are hereby required to lay down such Sewer or other Structure within the Limits of their Jurisdiction, and to keep the same in good and serviceable Repair, and may enter any Premises for such Purposes, and use such Part thereof as shall be necessary, and for such Use shall pay such Damages as may be assessed by the Sheriff on a summary Application, and to such Party as the Sheriff may direct; and such local Authority are hereby authorized and empowered to assess all the Premises from which then or at any Time thereafter any Material other than pure Water is carried into the said Sewer or other Structure for Payment of all Expenses incurred in making and maintaining the same, and that either

either in One Sum or in Instalments, or as a perpetual Burden, as they shall think just and reasonable, and, after *Fourteen Days* Notice at the least left on the Premises so assessed, to levy and collect the Sums so assessed, in the same Manner, and with the same Remedies in case of Default in Payment thereof, as the Prison Assessment is by the Law in force for the Time being leviable and collectable, and with the same Right and Power of Appeal against the Amount of such Assessment as by the Law for the Time being in force are given against such Prison Assessment.

Act not to affect Navigation of Rivers or Canals.

XVIII. Nothing in this Act contained shall enable any local Authority or other Person, either with or without any Order of the Sheriff, to injuriously affect the Navigation of any River or Canal, or to divert or diminish any Supply of Water of Right belonging to any such River or Canal.

Penalty on Sale of unwholesome Meat.

XIX. The Inspector of Nuisances may, at all reasonable Times, enter any Premises to inspect and examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables exposed for Sale, or which there is probable Cause for believing to be intended for Human Food; and in case any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables appear to him to be unfit for such Food the same may be seized; and if it appear to any Justice of the Peace or Magistrate that any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables is unfit for the Food of Man he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables, belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding *Ten Pounds* for every Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or for the Parcel of Fruit or Vegetables so found.

Penalty for causing Water to be corrupted by Gas-washings.

XX. Any Person or Company engaged in the Manufacture of Gas who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, or Aqueduct, Pond, or Place for Water, or into any Drain communicating therewith, any Washing or other Substance produced in making or supplying Gas, or shall wilfully do any Act connected with the making or supplying of Gas, whereby the Water in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water shall be fouled, shall forfeit for every such Offence the Sum of *Two hundred Pounds.*

Penalty to be sued for within Six Months.

XXI. Such Penalty may be recovered, with Expenses, by the Person into whose Water such Washing or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such

Act as aforesaid, or if there be no such Person, or in default of Proceedings by such Person, after Notice to him from the local Authority of their Intention to proceed for such Penalty, by the local Authority; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence or within *Six* Months after it shall have ceased.

Daily Penalty during the Continuance of the Offence.

XXII. In addition to the said Penalty of *Two hundred Pounds* (and whether such Penalty shall have been recovered or not), the Person or Company so offending shall forfeit the Sum of *Twenty Pounds* (to be recovered in the like Manner), for each Day during which such Washing or other Substance shall be brought or shall flow as aforesaid, or during which the Act by which such Water shall be fouled shall continue, after the Expiration of *Twenty-four* Hours from the Time when Notice of the Offence shall have been served on such Person or Company by the local Authority, or the Person into whose Water such Washing or other Substance shall be brought or flow or whose Water shall be fouled thereby, and such Penalty shall be paid to the Parties from whom such Notice shall proceed; and all Monies recovered by a local Authority under this or the preceding Section shall, after Payment of any Damage caused by the Act for which the Penalty is imposed, be applied towards defraying the Expenses of executing this Act.

PART II.

Prevention and Mitigation of Diseases.

Privy Council empowered to issue Orders for Diseases Prevention.

XXIII. Whenever any Part of the United Kingdom appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious Disease, the Lords and others of Her Majesty's Most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council, or One of Her Majesty's Principal Secretaries of State, being One,) may, by Order or Orders by them from Time to Time made, direct that the Provisions for the Prevention of Diseases contained in Part III. of this Act be put in force in Scotland, or in such Parts thereof or in such Places therein as in such Order or Orders may be expressed, and may from Time to Time, as to all or any of the Parts or Places to which any such Order or Orders extend, and in like Manner, revoke or renew any such Order; and, subject to Revocation and Renewal as aforesaid, every such Order shall be in force for *Six Calendar Months*, or for such shorter Period as in such Order shall be expressed; and every such Order of Her Majesty's Privy Council or any Members thereof as aforesaid shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council,

and

and shall be published in the Edinburgh Gazette, and such Publication shall be conclusive Evidence of such Order.

Board of Prisons may issue Regulations to carry out such Provisions.

XXIV. From Time to Time, after the issuing of any such Order as aforesaid, and whilst the same continues in force, the Board of Prisons may issue such Directions and Regulations as the said Board think fit for the Prevention, as far as possible, or Mitigation, of such epidemic, endemic, or contagious Diseases, and from Time to Time may revoke, renew, and alter any such Directions and Regulations, as to the said Board appears expedient; and the same shall extend to all Parts or Places in which the Provisions of this Act for the Prevention of Disease shall for the Time being be put in force under such Orders as aforesaid, unless such Directions and Regulations be expressly confined to some of such Parts or Places, and then to such Parts or Places as therein are specified; and (subject to the Power of Revocation and Alteration herein contained) such Directions and Regulations shall continue in force so long as the said Provisions of this Act shall under such Order be applicable to the same Parts or Places; and all such Directions and Regulations shall be published by being inserted in the Edinburgh Gazette, which Publication shall be conclusive Evidence thereof, and may be further published, and may be specially communicated to any local Authority, by the Secretary of the Board, as the Board may direct.

Local Extent and Duration of the Regulations of the Board of Prisons.

Publication of Rules and Regulations.

Orders of Council, Directions and Regulations of Board of Prisons, to be laid before Parliament.

XXV. Every Order of Her Majesty's Privy Council, and every Direction and Regulation of the Board of Prisons under this Act, shall be laid before both Houses of Parliament, forthwith upon the issuing thereof, if Parliament be then sitting, and if not then within *Fourteen Days* next after the Commencement of the then next Session of Parliament.

Matters to be directed.

XXVI. The Board of Prisons, by such Directions and Regulations, may provide—

For the speedy Interment of the Dead:

For House-to-House Visitation:

For the dispensing of Medicines, and for affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases, such Medical Aid and such Accommodation as may be required:

Local Authority shall execute and may direct Prosecutions for violating Regulations.

And the local Authority shall superintend and see to the Execution of such Directions and Regulations, and shall do and provide all such Acts, Matters, and Things as may be advisable for mitigating such Disease, or for superintending or aiding in the Execution of such Directions and Regulations, or for executing the same, as the Case may require, and may direct any Prosecutions or legal

Proceedings for or in respect of the wilful Violation or Neglect of any such Directions and Regulations.

Power for local Authority, &c. to enter Premises.

XXVII. The local Authority acting in the Execution of such Directions and Regulations, or the Officers or Persons by them in this Behalf authorized, may enter, at reasonable Times in the Daytime, and inspect any Premises, where they have Ground for believing that any Person has recently died of any such Disease, or that Necessity may otherwise exist for executing in relation to the Premises any of such Directions and Regulations.

When Order in Council in force, overcrowded Houses to come under Common Lodging Houses Provisions.

XXVIII. When any Order in Council is in force in any Place, on the Certificate of an Inspector of Nuisances, a Medical Officer, Two duly qualified Medical Practitioners, or other sufficient Evidence, that any House or Part of a House is so overcrowded as to be dangerous to Health, the local Authority shall have Power to regulate the same according to the Provisions of this Act in reference to Common Lodging Houses.

Order in Council to extend to Parts of Sea.

XXIX. All Orders in Council for executing this Act shall extend to Parts and Arms of the Sea lying within the Jurisdiction of the Admiralty, and adjacent to the Places to which such Orders relate; and the Board of Prisons may issue under the said Orders Directions and Regulations for cleansing, purifying, ventilating, and disinfecting, and preventing Disease, in Ships and Vessels, as well upon Arms and Parts of the Sea aforesaid as upon Inland Waters.

Power for Medical Officer of Parish and others to recover Costs of attending Sick on board Vessels, when required by Orders of General Board of Prisons.

XXX. Whenever, in compliance with any Regulation of the Board of Prisons, which they may be empowered to make under this Act, any Medical Officer appointed under the Laws for the Time being for the Relief of the Poor shall perform any Medical Service on board of any Vessel, such Medical Officer shall be entitled to charge extra for any such Service at the general Rate of his Allowance for his Services for the Parish for which he is appointed, and such Charges shall be payable by the Captain of the Vessel on behalf of the Owners, together with any reasonable Expenses for the Treatment of the Sick; and if such Services shall be rendered by any Medical Practitioner who is not a Parish Officer, he shall be entitled to Charges for any Service rendered on board, with extra Remuneration on account of Distance, at the same Rate as those which he is in the habit of receiving from private Patients of the Class of those attended and treated on Shipboard, to be paid as aforesaid; and in case such Charges be not paid the Medical Officer or Practitioner may bring an Action against the Captain of such Vessel for the same, and the Vessel, Cargo, and Tackle shall be subject to a Lien for the Amount of such Charges.

PART

PART III.

Regulation of Common Lodging Houses.

Common Lodging Houses to be registered.

XXXI. The local Authority shall cause a Register to be kept, in which shall be entered the Names and Residences of the Keepers of all Common Lodging Houses within the Jurisdiction of the local Authority, and the Situation of every such House, and the Number of Lodgers authorized according to this Act to be kept therein; and the local Authority may refuse to register as the Keeper of a Common Lodging House any Person who does not produce to the local Authority a Certificate of Character in such Form as the local Authority shall direct, signed by Three Inhabitant Householders of the Parish respectively assessed for the Relief of the Poor of the Parish within which such Lodging House is situate.

No Lodger to be received in Common Lodging House till it has been inspected and registered.

XXXII. After the Expiration of *One Month* from the Date of the *passing of this Act*, it shall not be lawful to keep or use as a Common Lodging House any House, not being a Licensed Victualling House, or to receive or retain any Lodgers therein, unless such House shall have been inspected and approved for that Purpose by the Inspector of Common Lodging Houses for the District, and shall have been registered as by this Act provided.

Evidence of Register.

XXXIII. A Copy of an Entry made in a Register kept under this Act, purporting to be certified by the Person having the Charge of such Register to be a true Copy, shall be received in all Courts and on all Occasions whatsoever as Evidence, and shall be sufficient Proof of all Things therein registered, without the Production of the Register, or of any Document, Act, or Thing on which the Entry is founded; and every Person applying at a reasonable Time shall be furnished gratis by the Person having such Charge with a certified Copy of any such Entry.

Power to local Authority to make Rules and Regulations respecting Common Lodging Houses.

XXXIV. The local Authority may from Time to Time make Rules and Regulations respecting Common Lodging Houses within its Jurisdiction, for the well-ordering of such Houses, and for the Separation of the Sexes therein, and for fixing the Number of Lodgers which may be received in each such House, and in each Room therein, and for promoting the Cleanliness and Ventilation of such Houses, and with respect to the Inspection thereof, and the Conditions and Restrictions under which such Inspection may be made; and the said local Authority may by any such Rules and Regulations impose upon Offenders against the same such reasonable Penalties as they shall think fit, not exceeding the Sum of *Five Pounds* for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding

the Sum of *Forty Shillings* for each Day after written Notice of the Offence from the said local Authority; and the said local Authority may alter or repeal any such Rules and Regulations by any subsequent Rules and Regulations signed as aforesaid: Provided always, that all such Rules and Regulations imposing any Penalty shall be so framed as to allow of the Recovery of any Sum less than the full Amount of the Penalty: Provided also, that such Rules and Regulations shall not be of any Force or Effect until the same be submitted to and confirmed by One of Her Majesty's Principal Secretaries of State, who is hereby empowered to confirm or disallow the same, as he may think proper: Provided further, that no such Rules and Regulations shall be confirmed unless Notice of the Intention to apply for Confirmation of the same shall have been given in One or more of the public Newspapers usually circulated within the Parish or Place to which such Byelaws relate *One Month* at least before the making of such Application; and for *One Month* at least before any such Application a Copy of the proposed Rules and Regulations, in Writing, signed by the Chairman of the Meeting at which they were made, shall be kept at the Office or usual Place of Meeting of the local Authority, and be open during Business Hours thereat for the Inspection of Parties assessed to the Relief of the Poor in such Parish or Place, without Fee, and the local Authority shall cause every such Party assessed as aforesaid who shall apply for the same to be furnished with a Copy thereof, on Payment of *Sixpence* for every One hundred Words contained in such Copy.

Rules to be confirmed by Secretary of State;

and after Notice in District.

Such Rules and Regulations to be printed.

XXXV. All Rules and Regulations made by the local Authority in pursuance of this Act shall, when confirmed as aforesaid, be printed, and hung up in the Office or usual Place of Meeting of the said local Authority, and Copies thereof shall be furnished gratis to every Keeper of a Lodging House, and such Keeper shall be bound to keep a Copy thereof hung up in some conspicuous Place in each Room in which Lodgers are received, and Copies shall also be furnished to any Party assessed as aforesaid, upon Application, and Payment of *Twopence* each for the same; and a Copy of such Rules and Regulations, purporting to be signed by One of Her Majesty's Principal Secretaries of State, shall be received in Evidence of such Regulations, and of the duly making and confirming thereof, without Proof of the Signature.

Power to local Authority to require an additional Supply of Water to Common Lodging Houses.

XXXVI. Where it appears to the local Authority that a Common Lodging House is without a proper Supply of Water for the Use of the Lodgers, and that such a Supply can be furnished thereto at a reasonable Rate, the local Authority may, by Notice in Writing, require the Owner or Keeper of the Common Lodging House, within a Time specified therein, to obtain such Supply, and to execute all Works necessary

necessary for that Purpose; and if such Notice be not complied with accordingly the local Authority may remove the Common Lodging House from the Register until it be complied with.

Power to local Authority to order Reports from Keepers of Common Lodging Houses kept for Beggars and Vagrants.

XXXVII. The Keeper of a Common Lodging House in which Beggars or Vagrants are received to lodge, or other Person having the Care or Management thereof, shall from Time to Time, if required by any Order of the local Authority served on such Keeper or Person, report to the local Authority, or to such Person or Persons as the said local Authority shall direct, every Person who resorted to such House during the preceding Day or Night, and for that Purpose Schedules shall be furnished by the local Authority to the Persons so ordered to report, which Schedules they shall fill up with the Information required, and transmit to the local Authority.

Local Authority may remove sick Persons from Common Lodging Houses to Hospitals, &c.

XXXVIII. When a Person in a Common Lodging House is ill of Fever or any infectious or contagious Disease, the local Authority may cause such Person to be removed to a Hospital or Infirmary, with the Consent of the Authorities thereof, and on the Certificate of the Medical Officer of the Parish, or of any Two qualified Medical Men, that the Disease is infectious or contagious, and that the Patient may be safely removed; and the local Authority may, so far as they think requisite for preventing the Spread of Disease, cause any Clothes or Bedding used by such Person to be disinfected or destroyed, and may award to the Owners of the Clothes and Bedding so disinfected or destroyed reasonable Compensation for the Injury or Destruction thereof; and such Compensation, if awarded, shall be paid to such Owners by the Inspector of the Poor of the Parish in which the Common Lodging House is situate, who shall be reimbursed thereof out of the Assessments applicable to the Relief of the Poor of such Parish, the Amount of such Compensation being first certified in Writing upon a List of such Articles.

As to giving Notice of Fever, &c. occurring in Common Lodging Houses.

XXXIX. The Keeper of a Common Lodging House shall, when a Person in such House is ill of Fever or any infectious or contagious Disease, give immediate Notice thereof to the Inspector of Common Lodging Houses, and also to the Medical Officer of the Parochial Board and the Inspector of the Poor of the Parish in which such Common Lodging House is situated, who shall forthwith communicate to such Parochial Board that such Notice has been received, and take the Instructions of such Parochial Board thereupon.

As to Inspection of Common Lodging Houses.

XL. The Keeper of a Common Lodging House, and every other Person having or acting in the Care and Management thereof, shall, at all Times when required by any Officer of the local Authority, give him free Access to such House or any Part thereof.

As to cleansing of Common Lodging Houses.

XLI. The Keeper of a Common Lodging House shall thoroughly cleanse all the Rooms, Passages, Stairs, Floors, Windows, Doors, Walls, Ceilings, Privies, Cesspools, and Drains thereof to the Satisfaction of the Inspector, and so often as shall be required by or in accordance with any Regulation of the local Authority, and shall well and sufficiently, and to the like Satisfaction, limewash the Walls and Ceilings thereof in the First Week of each of the Months of April and October in every Year.

Conviction for Third Offence to disqualify Persons from keeping Common Lodging House.

XLII. Where a Keeper of a Common Lodging House, or a Person having or acting in the Care or Management of a Common Lodging House, is convicted of a Third Offence under this Act, it may be adjudged as the Punishment or Part of the Punishment for such Third Offence that he shall not, at any Time within *Five Years* or any shorter Period after such Conviction, keep or have or act in the Care or Management of a Common Lodging House, without the previous Licence in Writing of the local Authority, which Licence the local Authority may withhold, or may grant on such Terms and Conditions as they think fit.

PART IV.

Enforcement of and Procedure under this Act.

Procedure if local Authority neglect its Duty under this Act.

XLIII. If any Nuisance shall exist upon or in Premises possessed or managed by the local Authority, or in which the local Authority have any Interest, or if the local Authority shall neglect to perform any Duty imposed upon it by this Act, or to take all due Proceedings in this Act authorized for the Removal of Nuisances or Preservation of Health, or due Regulation of Lodging Houses, it shall be competent for any Two Householders residing within the District, or the Inspector of the Poor of the Parish, or for the Procurator Fiscal of the Sheriff or Justice of the Peace Court of the County, or of the Burgh Court, to give written Notice to such local Authority of the Matters in which such Neglect exists; and if the local Authority do not, within *Fourteen Days* after such Notice, or, in the Case of Neglect to enforce any Regulation or Direction of the Board of Prisons, under Part II. of this Act, within *Two Days* after such Notice, remove or remedy the Nuisance referred to, or in any other Case take the Steps authorized or required by this Act, it shall be competent for the Parties aforesaid to apply to the Sheriff by summary Petition; and the Sheriff shall thereon inquire into the same,

same, and may make such Decree as shall in his Judgment be required to enforce the Removal or Remedy of the Nuisance, or otherwise to compel Execution of or carry out the Provisions of this Act, and may appoint the same to be carried into effect by and at the Sight of such Persons as he may think fit, and at the Expense of the local Authority, or of other Parties on whom the Expense ought in his Opinion to be laid, and for Payment of the Expenses of such Application by the Petitioners or by the local Authority, as Justice may require.

Form of Applications to Sheriff.

XLIV. All Applications to the Sheriff to enforce any Provision of this Act herein-before made, or for the Recovery of Penalties herein-before imposed, shall be by summary Petition, and such Petition shall refer to the Clauses of this Act on which it is founded, without setting forth the same; and the Sheriff shall thereupon, if he see fit, appoint the Petition to be answered within *Three Days*, or may order the Parties to attend him in Person, or if the Petition be for Penalties may in his Discretion grant a Warrant to apprehend the Defender, and on advising such Answer, or hearing the Parties, he may at once decern, or may appoint any competent Person to examine the Premises and report to him, and may decern on such Report, or he may, if either Party desire it, order Proof to be led before himself on any specified Points, and shall, in that Case, appoint a Day, not more than *Five Days* thereafter, for hearing such Proof, and if the Proof be not on that Day completed may adjourn the same from Time to Time until completed, and within *Three Days* after such Completion he shall give Decree, and he may find either Party liable in Expenses, or in any modified Sum of Expenses.

No written Pleadings, &c. allowed.

Party truly liable shall be bound.

XLV. No written Pleadings, other than the Petition and Answers (when ordered), shall be allowed, and the Sheriff shall take Notes of the Evidence in like Manner as in Civil Proofs; and where, on Proceedings being taken against either Owner or Occupier, the Sheriff shall be of opinion that he is not the Party truly liable, he shall have Power, on such Intimation as he may deem fitting, to hold them as taken against such Party, and to decern against him therein as fully as if they had originally been directed against him: Provided always, that no Decree under this Act against any Party shall bar his Right to Relief against any other Party legally liable therein.

Appeal in certain Cases.

XLVI. Where it shall appear to the Sheriff that the true Value of the Subject complained of as a Nuisance, or the Cost of the Operations necessary to remove or amend it as ordered, or the Value of the Trade or Business interfered with, exceeds the Sum of *Fifteen Pounds*, he shall certify his Opinion to that Effect in his Decree, and

the Parties shall thereupon be entitled to appeal from the Sheriff Substitute to the Sheriff, on lodging, within *Three Days* after the Decree, a Note of Appeal with the Sheriff Clerk, and serving the same on the opposite Party, and such Note shall operate as a Sist of Execution until the Appeal be determined; and on such Note being lodged, the Sheriff Clerk shall transmit the Process, together with the Sheriff Substitute's Notes of Evidence, to the Sheriff, whose Decision thereon shall be final.

No Appeal otherwise.

XLVII. No Appeal shall be competent, save in Cases so certified.

Justices being Members of local Authority may act.

XLVIII. The Sheriff, Justices of the Peace, or Magistrates may in all Cases, notwithstanding their being Members of the local Authority, exercise the Jurisdiction vested in them under this Act.

Proceedings not quashed for Want of Form.

XLIX. No Decree or Order, nor any other Proceeding, Matter, or Thing done in the Execution of this Act, shall, excepting as herein-provided, be subject to Review in any Way whatever.

Service of Notices, Summonses, and Orders.

L. Notices, Petitions, and Orders under this Act may be served by delivering the same to or at the Residence of the Parties to whom they are respectively addressed, or by being put into the Post Office duly addressed to the Parties, and where addressed to the Owner or Occupier of Premises they may be served by delivering the same or a true Copy thereof to some Person upon the Premises, or if there be no Person upon the Premises who can be so served by fixing the same upon some conspicuous Part of the Premises.

Proof of Resolutions of local Authority.

LI. Copies of any Orders or Resolutions of the local Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, shall, unless the contrary be shown, be received as Evidence thereof, without Proof of their meeting, or of the official Character or Signature of the Person signing the same.

One or more joint Owners may be proceeded against alone

LII. In case of any Demand or Complaint under this Act to which Two or more Parties, whether as Owners or Occupiers of Premises may be jointly answerable, it shall be sufficient to proceed against any One or more of them without proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Relief in any Case in which they would now be entitled to Relief by Law.

Penalty for obstructing Execution of Acts.

LIII. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, the Sheriff or any Justice to whom Application is made shall by Order in

in Writing require such Occupier to permit the Execution of the Works required to be executed, provided that such Works appear to such Sheriff or Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding *Five Pounds* for every Day afterwards during the Continuance of such Refusal.

Penalty on Occupier obstructing Owner.

LIV. Whoever wilfully violates any Provision of this Act to which no special Penalty is attached, obstructs any Person acting under the Authority or employed in the Execution of this Act, or wilfully violates any Direction or Regulation issued by the Board of Prisons under this Act, shall be liable for every such Offence to a Penalty not exceeding *Five Pounds;* provided that nothing in this Act shall exempt any Person from any Penalty or Liability to which he may otherwise be subject.

Expenses.

LV. All Expenses or Penalties decerned for against, or due under this Act by an Owner may be recovered from the Occupier of the Premises to the Extent of the Rent thereof, and if paid by him may be deducted from the Rent, and if not so paid shall, to the Extent of *Two* Years real Value of the Premises, rank as a preferable real Burden on the whole Premises in respect of which they became due.

Expense of Execution of Act.

LVI. All Charges and Expenses incurred by the local Authority in executing this Act, and not recovered, as herein-before provided, may be defrayed out of an Assessment to be levied in like Manner, and under like Powers, which are hereby given, as—

The Prison or Police Assessment, as the Town Council shall resolve, where the local Authority is a Town Council;

The Assessment for the Relief of the Poor, where the local Authority is a Parochial Board, or, where there is no such Assessment, by an Assessment levied in such Manner as an Assessment might have been levied for the Relief of the Poor.

Return of Proceedings.

LVII. The local Authority shall in each Year make a Return containing a complete Account of Charge and Discharge of all Sums received and expended under this Act, stating the Names of the Members of the local Authority, and of their Committees, the Names and Addresses of their Officers, and shall append a Statement in the Form provided in Forms E. and F. of the Schedule to this Act, of the Matters therein specified, and setting forth the Proceedings taken for the Removal or Remedying of Nuisances, and shall cause Copies

of such Return to be printed, and circulated among the Persons assessed for the Relief of the Poor, or under this Act, in their District.

Forms.

LVIII. The other Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, may be used for Instruments under this Act, and shall be sufficient for the Purpose intended.

Police Constables to aid in executing Act.

LIX. The Constabulary and Police Force in their respective Jurisdictions shall aid the Authorities and Officers acting in execution of this Act, or any Directions or Regulations issued as aforesaid.

Act not to impair Common Law Remedies for Nuisance.

LX. Nothing in this Act shall be construed to impair any Right of Action in respect of Nuisances at Common Law.

PART V.

Amendment of the Act passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act to make more effectual Provision for regulating the Police of Towns and populous Places in Scotland, and for paving, draining, cleansing, lighting, and improving the same:"

13 & 14 Vict. c. 32.

Commissioners may levy Special Sewer Rates.

LXI. The Seventy-fourth Section of the said Act is hereby repealed; and in lieu thereof be it enacted, That whenever any new Sewer shall be made, enlarged, or re-constructed under the Provisions of the said Act, it shall be lawful for the Commissioners to recover the whole Expenses incurred by them in the making, Enlargement, or Re-construction of such Sewer from the Occupiers of all Premises situated in the Drainage District in which such Sewer shall be made, enlarged, or re-constructed; and for that Purpose the Commissioners shall assess and levy upon and from the Occupiers of such Premises, over and above any other Rates to which such Occupiers may be liable under the said Act, Special Sewer Rates not exceeding *Sixpence* in the Pound per Annum of the yearly Rent or Value of such Premises, and which Special Sewer Rates shall be assessed and levied along with and in the same Manner as the General Assessments authorized to be levied under the said Act; and all the Powers and Provisions of the said Act with respect to the assessing, levying, and recovering of such General Assessments are hereby made applicable to the assessing, levying, and recovering of the said Special Sewer Rates, in the same Manner, and as fully and effectually to all Intents and Purposes, as if such Powers and Provisions had been herein re-enacted: Provided always, that such Special Sewer Rates and the General Sewer Rates by the said Act authorized to be levied shall be assessed separately for each Drainage District, and separate Accounts thereof shall be kept; and the said Rates shall be applied in each Drainage District, as provided by the said Act and this Act.

LXII. It

Power to borrow Money for the Construction of Sewers.

LXII. It shall be lawful for the Commissioners to borrow for the Purpose of making, enlarging, or re-constructing Sewers, and on the Security of the said Special Sewer Rates and General Sewer Rates, such Sums of Money, and at such Times, as the Commissioners shall deem necessary for that Purpose, and to assign the said Special Sewer Rates and General Sewer Rates in Security of the Money to be so borrowed; and the Provisions of the said Act with respect to the borrowing of Money and the granting of Bonds therefor, and the Transference and recording of such Bonds, shall be applicable to the borrowing of Money for the Purpose of making, enlarging, or re-constructing Sewers; and the Bonds to be granted under the Powers of the said Act and this Act for the Money so to be borrowed shall, mutatis mutandis, be in the Form, as near as may be, set forth in the said Act, and shall form a Lien on the Special Sewer Rates and General Sewer Rates thereby assigned, and shall entitle the Creditors to recover the Contents thereof from the Commissioners and their Officers out of the first and readiest of the said Special and General Sewer Rates.

Application of Money borrowed for constructing Sewers.

LXIII. The Money borrowed for the Construction of Sewers as aforesaid shall be applied wholly in defraying the Expense of making, enlarging, or re-constructing Sewers, and to no other Purpose whatsoever; and the Special and General Sewer Rates shall not be liable for nor be assigned in Security of the Payment of any Sums borrowed by the Commissioners for any other Purpose than the making, Enlargement, or Re-construction of Sewers.

Sinking Fund to pay off Money borrowed for constructing Sewers.

LXIV. It shall be lawful for the Commissioners and they are hereby required annually to levy from all Occupiers of Premises in each Drainage District, along with and as Part of such Special Sewer Rates and General Sewer Rates, such additional Assessment beyond the Sum necessary for paying the Interest on Money borrowed for the Purpose of defraying the Expense of making, enlarging, or re-constructing Sewers, and the current Expense of maintaining the same, as will produce a Fund equal to *Five Pounds per Centum* per Annum upon the Sum so borrowed, which Fund the Commissioners shall annually set apart and invest, at the highest Rate of Interest which can be had for the same, in the Public Funds or in any chartered or other Bank in Scotland, or on Heritable Security, as a Sinking Fund applicable and to be applied by the Commissioners from Time to Time to the Repayment of the Money so borrowed, until the Debt shall be extinguished: Provided always, that the Commissioners shall not include any Money borrowed for the Purposes of making, enlarging, or re-constructing Sewers, in fixing the Amount of the additional

Assessment to be levied by them under Section Three hundred and forty of the said Act.

Streets to be paved and flagged by Owners of Property abutting thereon.

LXV. The Two hundred and thirteenth Section of the said Act is hereby repealed; and in lieu thereof be it enacted, That if any Street have not before the Adoption of the said Act been well and sufficiently paved and flagged or otherwise made good, the Commissioners may require the Owners of the Lands abutting on such Street to cause such Street or the Parts thereof not so paved and flagged or otherwise made good to be paved and flagged or otherwise made good, in such Manner as the Commissioners shall direct; and in the event of such Owners not complying with such Requisition within *One Month* after Notice in Writing has been given to them by the Commissioners, it shall be lawful for the Commissioners to cause such Street or the Parts thereof not so paved or flagged or otherwise made good to be paved or flagged or otherwise made good in such Manner as they shall think fit, and the Expenses incurred by the Commissioners in respect thereof shall be repaid to them by the Owners of the Lands abutting on such Street or such Parts thereof as have not been theretofore well and sufficiently paved or flagged or otherwise made good; and the Provisions and Enactments of the said Act with respect to ensuring the Execution of the Works thereby required to be done by Owners or Occupiers shall apply to the Execution of all Works required to be done, and the Recovery of all Expenses incurred by the Commissioners with respect to the paving, flagging, or otherwise making good such Street under the Provisions of this Act; and such Street shall thereafter be repaired by the Commissioners out of the Assessments levied under the said Act.

Drains may be made to discharge below High-water Mark.

LXVI. If the Commissioners shall consider it necessary for Public Health that any Drain should discharge itself below High-water Mark, they shall be entitled, with the Consent of the Commissioners of Her Majesty's Woods and Forests, to construct the requisite Works for that Purpose in the Way and under the Regulations provided in regard to Works authorized under the above-mentioned Act.

Period of Imprisonment for Offences and for Default in paying Penalties and finding Caution.

LXVII. It shall be lawful for the Magistrate to sentence any Person convicted of any Offence under the said Act to Imprisonment for any Period not exceeding *Sixty* Days; and in case any pecuniary Penalty imposed on any Person convicted of an Offence under the said Act be not immediately paid or consigned, or in case Caution for good Behaviour or for keeping the Peace, authorized by the said Act to be required, be not found in manner therein mentioned, it shall be lawful for the Magistrate to sentence the Person ordered to pay such Penalty or find such Caution to be imprisoned till such

Penalty

Penalty be paid or such Caution be found; but the Period of Imprisonment in respect of Default in paying such Penalty or finding such Caution shall not exceed *Sixty* Days, and the whole Period of Imprisonment in respect of the Offence and of such Default shall in no Case exceed *Ninety* Days.

Sheriff may fix Boundaries of non-agricultural Part of Burgh.

LXVIII. It shall be lawful for any Owner or Occupier liable to Assessment in respect of Property situated within the Limits of any Burgh under the said recited Act, but which Property is used wholly or in part for Agricultural Purposes, to present a Petition to the Sheriff praying to have such Property or Part thereof found to be agricultural, and to be liable only for *One Half* the Rate of Assessment leviable from other Property within such Burgh, for the Purposes of the said Act, and the Sheriff shall thereupon order Service of the Petition to be made on the Commissioners on an Induciæ of *Ten* Days, and after hearing Parties, and taking such Evidence as he may think necessary, shall determine to what Extent such Property is agricultural, and such agricultural Property shall thereafter be assessed at the Rate of *One Half* of the Rate of Assessment so leviable within such Burgh.

Judgmen &c. under this Act not to be subject to Review.

LXIX. All Judgments, Decrees, or Orders pronounced by any Sheriff or Magistrate under this Act shall, unless it be otherwise provided by this Act, be final, and not subject to any Review.

In execution of 18 & 19 Vict. c. 68., Limits of Burgh, as defined in s. 2., to comprehend several Parishes as One united Parish.

LXX. In order to amend an Act passed in the Eighteenth and Nineteenth Year of the Reign of Her Majesty, intituled "An "Act to amend the Laws concerning the Burial of the Dead in "Scotland," so as to make the said Act available in Burghs comprehending Parts of more than One Parish, be it enacted, That in the Execution of the said Act where the Limits of any Burgh sending or contributing to send a Member to Parliament, as defined under Section Second of the said Act, shall comprehend more than One Parish, or Parts of more than One Parish, all the Parishes or Parts of Parishes within the Limits of such Burgh shall be held to be One united Parish for the Purposes of the said Act, and all that is comprehended within such Limits shall be excluded from other Parishes under the said Act, and the Town Council of the Burgh shall be held to be the Board of the united Parish, within such Limits, under the said Act.

This Act to be Part of former Act.

LXXI. This Act, in so far as it amends the said recited Act, shall be construed as if it were Part thereof, and shall repeal the said recited Act in so far only as is necessary to give Effect to the Provisions of this Act.

SCHEDULE OF FORMS.

Form (A.)

Order of Justice of Peace for Admission of local Authority or their Officer to inspect private Premises.

Whereas [*describe the local Authority*] have by their Officer [*naming him*] made Application to me, *A.B.*, One of Her Majesty's Justices of the Peace having Jurisdiction in [*describe the Place*], stating on Oath their [*or* his] Belief that a Nuisance, within the Meaning of "The Nuisances Removal and Police of Towns (Scotland) Act, 1856," exists in private Premises at [*describe Situation of Premises so as to identify them*] within my Jurisdiction, and that Demand of Admission to such Premises for the Inspection thereof has been duly made under the said Act, and refused:

Therefore, I hereby require you to admit the said [*name the local Authority*], [*or* the Officer of the said (*local Authority*)] for the Purpose of inspecting the said Premises.

Dated this Day of 18 .

A.B.

Form (B.)

Notice of Nuisance.

To the Town Council of the [Burgh] of
or To the Nuisances Removal Committee of *or*
To the Parochial Board of the Parish of in the
County of [*as the Case may be*].

We [*or* I], the undersigned Inhabitant Householders, [Sanitary Inspector *or other Officer* (describing him), of the Parish *or* Burgh of], do hereby give you Notice, That to the best of our [*or* my] Knowledge and Belief there exists in the [*Dwelling House, Yard, etc., as the Case may be*] and Premises situate at No. in Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of in your District, under "The Nuisances Removal and Police of Towns (Scotland) Act, 1856," the following Nuisance, videlicet, [*describing the Nuisance, as the Case may be; for instance*, the Dwelling House or Building at No. aforesaid is without a Privy *or* Drain *or* sufficient Means of Ventilation, *or* is unsafe, *or* in such a filthy

filthy or such an unwholesome Condition, *or* so out of repair, *or* there is a foul or offensive Ditch, *or* Drain, *or* such an Accumulation of *&c.*, *or* Swine so kept as to be injurious to Health]; and that such Nuisance is caused or permitted to continue by [*naming the Person by whose Act or Default, or* by some Person unknown].

Day of One thousand eight hundred and

[*Signed by Complainant or Complainants.*]

FORM (C.)

Certificate of Nuisance.

To the Town Council, *&c.* [*as in the Form of Notice*].

I, the undersigned, being Medical Officer of the under-mentioned Parish of , do hereby certify to you, That to the best of my Knowledge and Belief there exists in the Premises [Dwelling House, *or* Yard, *&c.*] situate at No. in Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of in your District, under "The Nuisances Removal and Police of Towns (Scotland) Act, 1856," the following Nuisance [*describing the Nuisance, as the Case may be,*] cognizable under that Act.

Day of One thousand eight hundred and

A.B.

FORM (D.)

Order to permit Execution of Works by Owners.

WHEREAS Complaint hath been made to me *E.F.*, Esquire, One of Her Majesty's Justices of the Peace for the County [*or* Burgh, *&c.*] of by *A.B.*, Owner within the Meaning of "The Nuisances Removal and Police of Towns (Scotland) Act, 1856," that *C.D.*, the Occupier of a Dwelling House [*or* Building, *or as the Case may be*], situate [*insert such a Description of the Premises as may be sufficient to identify them*], in the Parish of in the said County [*or* Burgh, *&c.*,] prevents the said *A.B.* from obeying and carrying into effect the Provisions of the said Act, videlicet, [*here describe the Works generally according to the Circumstances; for instance, thus,* cleansing *or* whitewashing *or* purifying the said

Dwelling House (*or* Building), *or* erecting a Privy *or* Drain, *or* breaking an Aperture for Ventilation, *or* cleansing a foul and offensive Drain (Ditch, Gutter, Privy, Cesspool, *or* Ashpit)]: and not having shown sufficient Cause against the same, and it appearing to me that the said Works are necessary for the Purpose of enabling the said *A.B.*, to obey and carry the same into effect, I therefore hereby order that the said *C.D.* do permit the said *A.B.* to execute the same in the Manner required by the said Act.

(Date.) *E.F.*

Form E.

Statement of Particulars required under s. 62. of "The Nuisances Removal and Police of Towns (Scotland) Act, 1856," for the Year ending 31st December 18 for the [Burgh, District, *or* Parish] of

Length of open Ditches or Watercourses into which Sewage flows.	No. of Houses draining into such Ditches, &c.	Length of such open Ditches, &c. covered or otherwise improved last Year.	Manner in which done.	Cost thereof.	No. of Houses draining into the same.	Total Length of Covered Sewers.	No. of Houses draining into the same.	Total Length of Common House Drains.	No. of Houses drained by the same.	Total No. of Houses in District.	Amount assessed under s.	Number of Houses on which assessed.	Rate of Assessment on Rental of each House.	Period for which Rate is to last.	Total Rental of District.	Remarks.

A.B., Chairman of local Authority.

Form F.

Statement of Proceedings taken for or in regard to Nuisances during the Year ending 31st December 185 .

Locality of Nuisance.	Nature of Nuisance.	Owner of Premises.	Occupier of Premises.	Author of Nuisance.	Date of Notice.	By whom Notice given.	Date of Inspection.	Proceedings taken.	Date of Decree.	Nature of Decree.	Date of complete Implement of Decree.	Remarks.	No. of Common Lodging Houses registered.	No. of Convictions of Keepers of Common Lodging Houses.

Nuisances Removal, &c. (Scotland).

A

BILL

To make further Provision for the Removal of Nuisances and Prevention of Diseases and for the Police of Towns in Scotland.

(Prepared and brought in by The Lord Advocate and Viscount Duncan.)

Ordered, by The House of Commons, *to be Printed*, 26 *February* 1856.

[Bill 53.]

Under 4 *oz.*

(Scotland.) (No. 2.)

A

B I L L

TO

Make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns in Scotland.

Preamble. 11 & 12 Vict. c. 123. 12 & 13 Vict. c. 111.

WHEREAS the Provisions of "The Nuisances Removal and Diseases Prevention Act, 1848," amended by "The Nuisances Removal and Diseases Prevention Amendment Act, 1849," are defective, and it is expedient to repeal the said Acts, so far as relates to Scotland, and to substitute other Provisions more effectual in that Behalf, and also to make Provision for the Supervision and Regulation of Common Lodging Houses and for the Health of Towns in Scotland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The Nuisances Removal (Scotland) Act, 1856."

Recited Acts repealed. Saving Proceedings in Progress.

II. From and after the *passing of this Act*, the said Acts are hereby repealed, in so far as they apply to Scotland: Provided always, that all Proceedings commenced or taken under the said Acts, and not yet completed, may be proceeded with under the said

said Acts; and all Orders in Council for Scotland, and all Directions and Regulations issued by the General Board of Health under the said Acts, and all Appointments made and all Contracts or Works undertaken by virtue of the said Acts, shall continue and be as effectual as if the said Acts had not been repealed.

Interpretation Clause.

III. In this Act the following Words and Expressions shall have the Meanings herein-after assigned to them: The Word "Board" shall signify the Board of Supervision for the Relief of the Poor in Scotland; the Word "Owner" shall signify the Person for the Time entitled to receive, or who would if the same were let be entitled to receive, the Rents of the Premises, and shall include a Trustee, Factor, Tutor, or Curator, and in case of Public or Municipal Property shall apply to the Persons to whom the Management thereof is intrusted; the Word "Premises" shall include Lands, Buildings, or Places open, covered, or inclosed, public or private; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Women, Corporations, Statutory Boards, Joint Stock Companies, and Partnerships; the Expression "Author of a Nuisance" shall signify the Person through whose Act or Default the Nuisance is caused, exists, or is continued, whether he be the Owner or Occupier, or both; the Expression "Common Lodging House" shall signify a House or Part thereof where Lodgers are housed at an Amount not exceeding *Sixpence* per Night for each Person, whether the same be paid nightly, or for weekly, monthly, quarterly, or longer Periods, as well as to entire Houses occupied as Common Lodging Houses; the Expression "Keeper of a Common Lodging House" shall include any Person having or acting in the Care and Management of a Common Lodging House.

Local Authority.

IV. The following Bodies shall respectively be the local Authority to execute this Act in the Districts hereunder stated in Scotland:

In Places within the Jurisdiction of any Town Council, the Town Council; or in Places within the Jurisdiction of Police Commissioners under any General or Local Act, the Police Commissioners:

In any Parish or Part thereof over which the Jurisdiction of a Town Council or of Police Commissioners does not extend, the Parochial Board of such Parish.

Committee may be appointed.

V. The local Authority may appoint any Committee or Committees of their own Body to receive Notices, take Proceedings, and in all or certain specified respects execute this Act, whereof Two shall be a Quorum; and such local Authority, or their Committee, may, by Order in Writing, signed by the Chairman of such Body or Committee,

mittee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf; and all Acts done or Proceedings taken by or against such Committee or Officer or Person shall be as valid as if they were done by or taken in the Name of all the Members of the local Authority.

Local Authority to appoint Sanitary Inspectors.

VI. The local Authority may, where it shall be thought necessary for the Purposes of this Act, appoint an Inspector or Inspectors of Nuisances, and an Inspector or Inspectors of Common Lodging Houses, and shall make Byelaws for regulating the Duties of such Inspectors, and shall appoint convenient Places for their Offices, and shall allow to every such Inspector on account of his Employment a proper Salary; and if no such Inspector is appointed the local Authority shall, in all Cases in which any Duty is laid on them by this Act, appoint some Person, where the same shall be necessary, to perform such Duty, and shall remunerate him as they shall see fit.

PART I.

Removal of Nuisances.

Description of Nuisances under this Act.

VII. The Word "Nuisances" under this Act shall include—

(a) Any Insufficiency of Size, Defect of Structure, Want of Repairs, or other Matter or Circumstance rendering any inhabited House, Building, or Part thereof unwholesome or unfit for Human Habitation:

(b) Any Pool, Watercourse, Ditch, Gutter, Drain, Privy, Urinal, Cesspool, or Ashpit, so foul as to be injurious to Health:

(c) Any Animal so kept as to be injurious to Health:

(d) Any Accumulation, or Deposit within the Limits of any Burgh, or within *Fifty* Yards of any Dwelling House, offensive or injurious to Health:

(e) Any Work, Manufactory, Trade, or Business offensive or injurious to the Health of the Neighbourhood:

Provided always, that in the foregoing Cases marked (d) and (e) no Nuisance under this Act shall be held to exist where the best means known for remedying or mitigating the injurious Effects thereof shall be proved to be used, and in the Case marked (d) where such Accumulation or Deposit shall also be found to be necessary, and continued no longer than is necessary for the Purposes of a Manufacture or Business in which the same is required.

Power of Entry to local Authority or their Officer.

VIII. If the local Authority or Inspector of Nuisances have reasonable Grounds for believing that Nuisance exists in any private Premises, such local Authority or Inspector may demand to be admitted to inspect the same, at any Hour between *Nine* in the

Morning and *Six* in the Evening, and if Admission be refused may apply to any Justice of the Peace having Jurisdiction in the Place, stating on Oath such Belief; and such Justice may, by Order in Writing, require the Occupier or Person having the Custody of such Premises to admit the local Authority or Inspector; and if such Occupier or Person refuse to obey such Order, he shall, on Conviction of such Offence, be liable to a Penalty not exceeding *Five Pounds*; and if no such Occupier or Person can be discovered, the local Authority or their Officers may enter the Premises.

Proceedings by local Authority when Nuisances are ascertained to exist.

IX. In any Case where the Existence of a Nuisance is ascertained on Examination by the local Authority, or is certified to them in Writing, signed by the Medical Officer of the Parish, or where the Nuisance in the Opinion of the local Authority did exist at the Time when Demand of Admission was made or the Certificate was given, and, although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated, they shall apply to the Sheriff by summary Petition in manner hereinafter directed; and if it appear to his Satisfaction that the Nuisance exists, or, if removed or discontinued since the Demand of Admission was made or the Certificate was given, that it is likely to recur or to be repeated, the Sheriff shall decern for the Removal or Remedy or Discontinuance or Interdict of the Nuisance, as hereinafter mentioned; provided that in the Cases under the Head marked (e) in Section Seven such Application shall be made only on Medical Certificate as aforesaid.

Form of Interlocutor.

X. It shall not be necessary to restrict such Decree to any special Remedy prayed for in the Petition, but the Sheriff may, as the Case shall require, ordain the Author of the Nuisance to provide sufficient Privy Accommodation, Means of Drainage or Ventilation for, or to repair, make safe, and habitable, or to pave, cleanse, whitewash, disinfect, or purify, the Dwelling House, Building, or Premises, or to drain, empty, cleanse, fill up, cover, repair, or remove any Pool, Ditch, Gutter, Watercourse, Privy, Cesspool, Drain, or Ashpit, or to provide a Substitute for that complained of, or to remove the Animal, or to carry away the offensive Matter, or to discontinue the Work, Trade, Manufactory, or Business, or prevent the injurious Effects thereof, (according to the Nature of the Case,) or to do such other Works or Acts as are necessary to remove the Nuisance complained of, in such Manner and within such Time as in the Interlocutor shall be specified; and if the Sheriff is of opinion that such or the like Nuisance is likely to recur, he may further grant Interdict against the Recurrence of it, or otherwise as the Case may in his Judgment require; and if the Nuisance proved to exist be such as to render a House or Building in the Judgment of

Interdict against future Nuisance.

of the Sheriff unfit for Human Habitation, he may prohibit the using thereof for that Purpose until it is rendered fit for that Purpose in the Judgment of the Sheriff, or otherwise as the Case may in the Judgment of the Sheriff require.

Penalty for Contravention of Decree and of Interdict.

XI. If the said Decree be not complied with in good and sufficient Manner, the Author of the Nuisance shall be liable, in the Case of Nuisances specified in Clauses (a.), (b.), (c.), and (d.), in Section Seven of this Act, to a Penalty of not more than *Ten Shillings* per Day during his Failure so to comply; and if the said Interdict be knowingly infringed by the Act or Authority of the Owner or Occupier, such Owner or Occupier shall be liable for every such Offence to a Penalty not exceeding *Twenty Shillings* per Day during such Infringement; and in the Case of Nuisances specified in Clause (e.) in the said Section, the Party not complying with or infringing such Decree shall be liable to a Penalty not exceeding *Five Pounds* nor less than *Two Pounds* for the First Offence, and of *Ten Pounds* for the Second, and for each subsequent Conviction a Sum *double* the Amount of the Penalty in the last preceding Conviction, but no Penalty shall exceed *Two hundred Pounds*: Provided always, in the Case of such last-mentioned Nuisance, that if it appears to the Sheriff that the best Means then known to be available for mitigating the Nuisance, or the injurious Effects thereof, have not been adopted, he may suspend his final Determination, upon Condition that the Author of the Nuisance shall undertake to adopt within a reasonable and definite Time such Means as the Sheriff shall judge to be practicable, and order to be carried into effect, for mitigating or preventing such injurious Effects.

Order when structural Works are required.

XII. When it shall appear to the Sheriff that the Execution of structural Works is required for the Removal or Remedy of a Nuisance, he may direct such Works to be carried out under the Direction, or with the Consent or Approval of any Public Board, Trustees, or Commissioners having Jurisdiction in the Place in respect of similar Works, or where no such Body has such Jurisdiction, under the Direction and subject to the Approval of any Person he may appoint; and he may, before making his Order, require the local Authority, within a Time to be specified by him, to furnish him with an Estimate of the Cost of the required Works.

Local Authority to do Works on Owner's or Occupier's Default, or if Person causing Nuisance cannot be found.

XIII. In case of Noncompliance with or Infringement of any Decree of the Sheriff as aforesaid, the local Authority may apply to the Sheriff for Authority to enter the Premises to which such Decree relates, and remove or remedy the Nuisance thereby condemned or interdicted, and do whatever may be necessary in execution of such Decree; or if in the original Application it appears to the Satisfaction of the Sheriff that the Author of the Nuisance is not known or cannot be found, then such Decree may at once ordain the local Autho-

rity to execute the Works thereby directed; and all Expenses incurred by the local Authority in executing the Works may be recovered by an Action in the Small Debt Court, whatever may be their Amount.

Manure, &c. to be sold.

XIV. Any Thing removed by the local Authority in pursuance of this Act may be sold by public Roup, after not less than *Five* Days Notice by printed Handbills posted in the Locality, except in Cases where Delay would be prejudicial to Health, when the Sheriff may order the immediate Removal, Destruction, or Sale of the Thing, and the Proceeds of the Sale shall be retained by the local Authority, and applied in Payment of all Expenses incurred under this Act with reference to such Nuisance, and the Surplus, if any, shall be paid, on Demand, by the local Authority, to the Owner of such Thing by whom the Balance of such Expenses shall be defrayed, if such Proceeds are insufficient for that Purpose.

Open Ditches, &c. to be covered or improved.

XV. Whenever any Watercourse, Ditch, or Drain along the Side of any Public Road shall be used or partly used for the Conveyance of any Water, Sewage, or other Matter from any Premises, and cannot in the Opinion of the local Authority be rendered inoffensive and innocuous from Foulness or offensive Smell, without the laying down of a Sewer or of some other Structure along the same or Part thereof, or instead thereof, such local Authority shall and they are hereby required to lay down such Sewer or other Structure within the Limits of their Jurisdiction, and to keep the same in good and serviceable Repair, and may enter any Premises for such Purposes, and use such Part thereof as shall be necessary, and for such Use shall pay such Damages as may be assessed by the Sheriff on a summary Application, and to such Party as the Sheriff may direct; and such local Authority are hereby authorized and empowered to assess all the Premises from which then or at any Time thereafter any Material other than pure Water is carried into the said Sewer or other Structure for Payment of all Expenses incurred in making and maintaining the same, and that either in One Sum or in Instalments, or as a perpetual Burden, as they shall think just and reasonable, and, after *Fourteen Days* Notice at the least left on the Premises so assessed, to levy and collect the Sums so assessed, in the same Manner, and with the same Remedies in case of Default in Payment thereof, as the Prison Assessment is by the Law in force for the Time being leviable and collectable, and with the same Right and Power of Appeal against the Amount of such Assessment as by the Law for the Time being in force are given against such Prison Assessment.

Act not to affect Navigation of Rivers or Canals.

XVI. Nothing in this Act contained shall enable any local Authority or other Person, either with or without any Order of the Sheriff, to injuriously affect the Navigation of any River or Canal,

or

or to divert or diminish any Supply of Water of Right belonging to any such River or Canal.

Penalty on Sale of unwholesome Meat.

XVII. The Inspector of Nuisances may, at all reasonable Times, enter any Premises to inspect and examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables exposed for Sale, or which there is probable Cause for believing to be intended for Human Food; and in case any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables appear to him to be unfit for such Food the same may be seized; and if it appear to any Justice of the Peace or Magistrate that any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables is unfit for the Food of Man he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables, belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding *Ten Pounds* for every Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or for the Parcel of Fruit or Vegetables so found.

Penalty for causing Water to be corrupted by Gas-washings.

XVIII. Any Person or Company engaged in the Manufacture of Gas who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, or Aqueduct, Pond, or Place for Water, or into any Drain communicating therewith, any Washing or other Substance produced in making or supplying Gas, or shall wilfully do any Act connected with the making or supplying of Gas, whereby the Water in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water shall be fouled, shall forfeit for every such Offence the Sum of *Two hundred Pounds*.

Penalty to be sued for within Six Months.

XIX. Such Penalty may be recovered, with Expenses, by the Person into whose Water such Washing or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such Act as aforesaid, or if there be no such Person, or in default of Proceedings by such Person, after Notice to him from the local Authority of their Intention to proceed for such Penalty, by the local Authority; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence or within *Six* Months after it shall have ceased.

Daily Penalty during the Continuance of the Offence.

XX. In addition to the said Penalty of *Two hundred Pounds* (and whether such Penalty shall have been recovered or not), the Person or Company so offending shall forfeit the Sum of *Twenty Pounds* (to be recovered in the like Manner), for each Day during which such Washing or other Substance shall be brought or shall flow as aforesaid, or during which the Act by which such Water shall be fouled shall continue, after the Expiration of *Twenty-four* Hours from

from the Time when Notice of the Offence shall have been served on such Person or Company by the local Authority, or the Person into whose Water such Washing or other Substance shall be brought or flow or whose Water shall be fouled thereby, and such Penalty shall be paid to the Parties from whom such Notice shall proceed; and all Monies recovered by a local Authority under this or the preceding Section shall, after Payment of any Damage caused by the Act for which the Penalty is imposed, be applied towards defraying the Expenses of executing this Act.

PART II.

Prevention and Mitigation of Diseases.

Privy Council empowered to issue Orders for Diseases Prevention.

XXI. Whenever any Part of the United Kingdom appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious Disease, the Lords and others of Her Majesty's Most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council, or One of Her Majesty's Principal Secretaries of State, being One,) may, by Order or Orders by them from Time to Time made, direct that the Provisions for the Prevention of Diseases contained in Part II. hereof be put in force in Scotland, or in such Parts thereof or in such Places therein as in such Order or Orders may be expressed, and may from Time to Time, as to all or any of the Parts or Places to which any such Order or Orders extend, and in like Manner, revoke or renew any such Order; and, subject to Revocation and Renewal as aforesaid, every such Order shall be in force for *Six Calendar Months*, or for such shorter Period as in such Order shall be expressed; and every such Order of Her Majesty's Privy Council or any Members thereof as aforesaid shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council, and shall be published in the Edinburgh Gazette, and such Publication shall be conclusive Evidence of such Order.

Board of Supervision to be vested with certain Powers, and an additional Member may be appointed.

XXII. When any such Order has been issued the Board of Supervision in Scotland shall be vested with the Powers after provided; and it shall be lawful for Her Majesty to appoint the Sheriff of any County in Scotland, other than Renfrew, Perth, or Ross, to be an additional Member of the Board during the Subsistence of such Order; and such Sheriff shall receive such Remuneration as the Commissioners of Her Majesty's Treasury may think proper, not exceeding *One hundred Pounds* per Annum, to be paid out of Money to be voted for that Purpose by Parliament, and the Board may also appoint a Medical Officer to act under their Directions during such Period, and such Officer shall receive a Salary not exceeding *Two hundred Pounds* per Annum, to be fixed and paid in like Manner; and the Board may, with

with the Sanction of the said Commissioners of Her Majesty's Treasury, employ such additional Clerks as may be necessary during such Period; and the Salary of such Clerks, and the Office Expenses incurred under this Act, shall be defrayed in the same Manner as the general Expenses of the Board are now defrayed.

Board may issue Regulations to carry out such Provisions.

XXIII. From Time to Time, after the issuing of any such Order as aforesaid, and whilst the same continues in force, the Board may issue such Directions and Regulations as they shall think fit for the Prevention, as far as possible, or Mitigation, of such epidemic, endemic, or contagious Diseases, and from Time to Time may revoke, renew, and alter any such Directions and Regulations; and the same shall extend to all Parts or Places in which the Provisions of this Act for the Prevention of Disease shall for the Time being be put in force under such Orders as aforesaid, unless such Directions and Regulations be expressly confined to some of such Parts or Places, and then to such Parts or Places as therein are specified; and (subject to the Power of Revocation and Alteration herein contained) such Directions and Regulations shall continue in force so long as the said Provisions of this Act shall under such Order be applicable to the same Parts or Places; and all such Directions and Regulations shall be published by being inserted in the Edinburgh Gazette, which Publication shall be conclusive Evidence thereof, and may be further published, and may be specially communicated to any local Authority, by the Secretary of the Board, as the Board may direct.

Local Extent and Duration of the Regulations of the Board.

Publication of Rules and Regulations.

Orders of Council, Directions and Regulations of Board, to be laid before Parliament.

XXIV. Every Order of Her Majesty's Privy Council, and every Direction and Regulation of the Board under this Act, shall be laid before both Houses of Parliament, forthwith upon the issuing thereof, if Parliament be then sitting, and if not then within *Fourteen Days* next after the Commencement of the then next Session of Parliamen

Matters to be directed.

XXV. The Board, by such Directions and Regulations, may provide—

For the speedy Interment of the Dead:

For House-to-House Visitation:

For the dispensing of Medicines, and for affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases, such Medical Aid and such Accommodation as may be required:

Local Authority shall execute and may direct Prosecutions for violating Regulations.

And the local Authority shall superintend and see to the Execution of such Directions and Regulations, and shall do and provide all such Acts, Matters, and Things as may be advisable for mitigating such Disease, or for superintending or aiding in the Execution of such Directions and Regulations, or for executing the same, as

the Case may require, and may direct any Prosecutions or legal Proceedings for or in respect of the wilful Violation or Neglect of any such Directions and Regulations.

Power for local Authority, &c. to enter Premises.

XXVI. The local Authority acting in the Execution of such Directions and Regulations, or the Officers or Persons by them in this Behalf authorized, may enter, at reasonable Times in the Daytime, and inspect any Premises, where they have Ground for believing that any Person has recently died of any such Disease, or that Necessity may otherwise exist for executing in relation to the Premises any of such Directions and Regulations.

When Order in Council in force, overcrowded Houses to come under Common Lodging Houses Provisions.

XXVII. When any Order in Council is in force in any Place, on the Certificate of an Inspector of Nuisances, or of a Medical Officer, or of Two duly qualified Medical Practitioners, or other sufficient Evidence, that any House or Part of a House is so overcrowded as to be dangerous to Health, the local Authority shall have Power to regulate the same according to the Provisions of this Act in reference to Common Lodging Houses.

Order in Council to extend to Parts of Sea:

XXVIII. All Orders in Council for executing this Act shall extend to Parts and Arms of the Sea lying within the Jurisdiction of the Admiralty, and adjacent to the Places to which such Orders relate; and the Board may issue under the said Orders Directions and Regulations for cleansing, purifying, ventilating, and disinfecting, and preventing Disease, in Ships and Vessels, as well upon Arms and Parts of the Sea aforesaid as upon Inland Waters.

Power for Medical Officer of Parish and others to recover Costs of attending Sick on board Vessels, when required by Orders of Board.

XXIX. Whenever, in compliance with any Regulation of the Board, which they may be empowered to make under this Act, any Medical Officer appointed under the Laws for the Time being for the Relief of the Poor shall perform any Medical Service on board of any Vessel, such Medical Officer shall be entitled to charge extra for any such Service at the general Rate of his Allowance for his Services for the Parish for which he is appointed, and such Charges shall be payable by the Captain of the Vessel on behalf of the Owners, together with any reasonable Expenses for the Treatment of the Sick; and if such Services shall be rendered by any Medical Practitioner who is not a Parish Officer, he shall be entitled to Charges for any Service rendered on board, with extra Remuneration on account of Distance, at the same Rate as those which he is in the habit of receiving from private Patients of the Class of those attended and treated on Shipboard, to be paid as aforesaid; and in case such Charges be not paid the Medical Officer or Practitioner may bring an Action against the Captain of such Vessel for the same, and the Vessel, Cargo, and Tackle shall be subject to a Lien for the Amount of such Charges.

PART

PART III.

Regulation of Common Lodging Houses.

Common Lodging Houses to be registered.

XXX. The local Authority shall cause a Register to be kept, in which shall be entered the Names and Residences of the Keepers of all Common Lodging Houses within the Jurisdiction of the local Authority, and the Situation of every such House, and the Number of Lodgers authorized according to this Act to be kept therein; and the local Authority may refuse to register as the Keeper of a Common Lodging House any Person who does not produce to the local Authority a Certificate of Character in such Form as the local Authority shall direct, signed by Three Inhabitant Householders of the Parish respectively assessed for the Relief of the Poor of the Parish within which such Lodging House is situate.

No Lodger to be received in Common Lodging House till it has been inspected and registered.

XXXI. After the Expiration of *One Month* from the Date of the *passing of this Act*, it shall not be lawful to keep or use as a Common Lodging House any House, not being a Licensed Victualling House, or to receive or retain any Lodgers therein, unless such House shall have been inspected and approved for that Purpose by the Inspector of Common Lodging Houses for the District, and shall have been registered as by this Act provided.

Evidence of Register.

XXXII. A Copy of an Entry made in a Register kept under this Act, purporting to be certified by the Person having the Charge of such Register to be a true Copy, shall be received in all Courts and on all Occasions whatsoever as Evidence, and shall be sufficient Proof of all Things therein registered, without the Production of the Register, or of any Document, Act, or Thing on which the Entry is founded; and every Person applying at a reasonable Time shall be furnished gratis by the Person having such Charge with a certified Copy of any such Entry.

Power to local Authority to make Rules and Regulations respecting Common Lodging Houses.

XXXIII. The local Authority may from Time to Time make Rules and Regulations respecting Common Lodging Houses within its Jurisdiction, for the well-ordering of such Houses, and for the Separation of the Sexes therein, and for fixing the Number of Lodgers which may be received in each such House, and in each Room therein, and for promoting the Cleanliness and Ventilation of such Houses, and with respect to the Inspection thereof, and the Conditions and Restrictions under which such Inspection may be made; and the said local Authority may by any such Rules and Regulations impose upon Offenders against the same such reasonable Penalties as they shall think fit, not exceeding the Sum of *Five Pounds* for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding

the Sum of *Forty Shillings* for each Day after written Notice of the Offence from the said local Authority; and the said local Authority may alter or repeal any such Rules and Regulations by any subsequent Rules and Regulations signed as aforesaid: Provided always, that all such Rules and Regulations imposing any Penalty shall be so framed as to allow of the Recovery of any Sum less than the full Amount of the Penalty: Provided also, that such Rules and Regulations shall not be of any Force or Effect until the same be submitted to and confirmed by One of Her Majesty's Principal Secretaries of State, who is hereby empowered to confirm or disallow the same, as he may think proper: Provided further, that no such Rules and Regulations shall be confirmed unless Notice of the Intention to apply for Confirmation of the same shall have been given in One or more of the public Newspapers usually circulated within the Parish or Place to which such Byelaws relate *One Month* at least before the making of such Application; and for *One Month* at least before any such Application a Copy of the proposed Rules and Regulations, in Writing, signed by the Chairman of the Meeting at which they were made, shall be kept at the Office or usual Place of Meeting of the local Authority, and be open during Business Hours thereat for the Inspection of Parties assessed to the Relief of the Poor in such Parish or Place, without Fee, and the local Authority shall cause every such Party assessed as aforesaid who shall apply for the same to be furnished with a Copy thereof, on Payment of *Sixpence* for every One hundred Words contained in such Copy.

Rules to be confirmed by Secretary of State;

and after Notice in District.

Such Rules and Regulations to be printed.

XXXIV. All Rules and Regulations made by the local Authority in pursuance of this Act shall, when confirmed as aforesaid, be printed, and hung up in the Office or usual Place of Meeting of the said local Authority, and Copies thereof shall be furnished gratis to every Keeper of a Lodging House, and such Keeper shall be bound to keep a Copy thereof hung up in some conspicuous Place in each Room in which Lodgers are received, and Copies shall also be furnished to any Party assessed as aforesaid, upon Application, and Payment of *Twopence* each for the same; and a Copy of such Rules and Regulations, purporting to be signed by One of Her Majesty's Principal Secretaries of State, shall be received in Evidence of such Regulations, and of the duly making and confirming thereof, without Proof of the Signature.

Power to local Authority to require an additional Supply of Water to Common Lodging Houses.

XXXV. Where it appears to the local Authority that a Common Lodging House is without a proper Supply of Water for the Use of the Lodgers, and that such a Supply can be furnished thereto at a reasonable Rate, the local Authority may, by Notice in Writing, require the Owner or Keeper of the Common Lodging House, within a Time specified therein, to obtain such Supply, and to execute all Works necessary

necessary for that Purpose; and if such Notice be not complied with accordingly the local Authority may remove the Common Lodging House from the Register until it be complied with.

Power to local Authority to order Reports from Keepers of Common Lodging Houses kept for Beggars and Vagrants.

XXXVI. The Keeper of a Common Lodging House in which Beggars or Vagrants are received to lodge, or other Person having the Care or Management thereof, shall from Time to Time, if required by any Order of the local Authority served on such Keeper or Person, report to the local Authority, or to such Person or Persons as the said local Authority shall direct, every Person who resorted to such House during the preceding Day or Night, and for that Purpose Schedules shall be furnished by the local Authority to the Persons so ordered to report, which Schedules they shall fill up with the Information required, and transmit to the local Authority.

Local Authority may remove sick Persons from Common Lodging Houses to Hospitals, &c.

XXXVII. When a Person in a Common Lodging House is ill of Fever or any infectious or contagious Disease, the local Authority may cause such Person to be removed to a Hospital or Infirmary, with the Consent of the Authorities thereof, and on the Certificate of the Medical Officer of the Parish, or of any Two qualified Medical Men, that the Disease is infectious or contagious, and that the Patient may be safely removed; and the local Authority may, so far as they think requisite for preventing the Spread of Disease, cause any Clothes or Bedding used by such Person to be disinfected or destroyed, and may award to the Owners of the Clothes and Bedding so disinfected or destroyed reasonable Compensation for the Injury or Destruction thereof; and such Compensation, if awarded, shall be paid to such Owners by the Inspector of the Poor of the Parish in which the Common Lodging House is situate, who shall be reimbursed thereof out of the Assessments applicable to the Relief of the Poor of such Parish, the Amount of such Compensation being first certified in Writing upon a List of such Articles.

As to giving Notice of Fever, &c. occurring in Common Lodging Houses.

XXXVIII. The Keeper of a Common Lodging House shall, when a Person in such House is ill of Fever or any infectious or contagious Disease, give immediate Notice thereof to the Inspector of Common Lodging Houses, and also to the Medical Officer of the Parochial Board and the Inspector of the Poor of the Parish in which such Common Lodging House is situated, who shall forthwith communicate to such Parochial Board that such Notice has been received, and take the Instructions of such Parochial Board thereupon.

As to Inspection of Common Lodging Houses.

XXXIX. The Keeper of a Common Lodging House, and every other Person having or acting in the Care and Management thereof, shall, at all Times when required by any Officer of the local Authority, give him free Access to such House or any Part thereof.

As to cleansing of Common Lodging Houses.

XL. The Keeper of a Common Lodging House shall thoroughly cleanse all the Rooms, Passages, Stairs, Floors, Windows, Doors, Walls, Ceilings, Privies, Cesspools, and Drains thereof to the Satisfaction of the Inspector, and so often as shall be required by or in accordance with any Regulation of the local Authority, and shall well and sufficiently, and to the like Satisfaction, limewash the Walls and Ceilings thereof in the First Week of each of the Months of April and October in every Year.

Conviction for Third Offence to disqualify Persons from keeping Common Lodging House.

XLI. Where a Keeper of a Common Lodging House, or a Person having or acting in the Care or Management of a Common Lodging House, is convicted of a Third Offence under this Act, it may be adjudged as the Punishment or Part of the Punishment for such Third Offence that he shall not, at any Time within *Five Years* or any shorter Period after such Conviction, keep or have or act in the Care or Management of a Common Lodging House, without the previous Licence in Writing of the local Authority, which Licence the local Authority may withhold, or may grant on such Terms and Conditions as they think fit.

PART IV.

Enforcement of and Procedure under this Act.

Procedure if local Authority neglect its Duty under this Act.

XLII. If any Nuisance shall exist upon or in Premises possessed or managed by the local Authority, or in which the local Authority have any Interest, or if the local Authority shall neglect to perform any Duty imposed upon it by this Act, or to take all due Proceedings in this Act authorized for the Removal of Nuisances or Preservation of Health, or due Regulation of Lodging Houses, it shall be competent for any Two Householders residing within the District, or the Inspector of the Poor of the Parish, or for the Procurator Fiscal of the Sheriff or Justice of the Peace Court of the County, or of the Burgh Court, to give written Notice to such local Authority of the Matters in which such Neglect exists; and if the local Authority do not, within *Fourteen Days* after such Notice, or, in the Case of Neglect to enforce any Regulation or Direction of the Board, under Part II. of this Act, within *Two Days* after such Notice, remove or remedy the Nuisance referred to, or in any other Case take the Steps authorized or required by this Act, it shall be competent for the Parties aforesaid to apply to the Sheriff by summary Petition; and the Sheriff shall thereupon inquire into the same,

same, and may make such Decree as shall in his Judgment be required to enforce the Removal or Remedy of the Nuisance, or otherwise to compel Execution of or carry out the Provisions of this Act, and may appoint the same to be carried into effect by and at the Sight of such Persons as he may think fit, and at the Expense of the local Authority, or of other Parties on whom the Expense ought in his Opinion to be laid, and for Payment of the Expenses of such Application by the Petitioners or by the local Authority, as Justice may require.

Form of Applications to Sheriff.

XLIII. All Applications to the Sheriff to enforce any Provision of this Act herein-before made, or for the Recovery of Penalties herein-before imposed, shall be by summary Petition, and such Petition shall refer to the Clauses of this Act on which it is founded, without setting forth the same; and the Sheriff shall thereupon, if he see fit, appoint the Petition to be answered within *Three Days*, or may order the Parties to attend him in Person, or if the Petition be for Penalties may in his Discretion grant a Warrant to apprehend the Defender, and on advising such Answer, or hearing the Parties, he may at once decern, or may appoint any competent Person to examine the Premises and report to him, and may decern on such Report, or he may, if either Party desire it, order Proof to be led before himself on any specified Points, and shall, in that Case, appoint a Day, not more than *Five Days* thereafter, for hearing such Proof, and if the Proof be not on that Day completed may adjourn the same from Time to Time until completed, and within *Three Days* after such Completion he shall give Decree, and he may find either Party liable in Expenses, or in any modified Sum of Expenses.

No written Pleadings, &c. allowed.

Party truly liable shall be bound.

XLIV. No written Pleadings, other than the Petition and Answers (when ordered), shall be allowed, and the Sheriff shall take Notes of the Evidence in like Manner as in Civil Proofs; and where, on Proceedings being taken against either Owner or Occupier, the Sheriff shall be of opinion that he is not the Party truly liable, he shall have Power, on such Intimation as he may deem fitting, to hold such Proceedings as taken against such Party, and to decern against him therein as fully as if they had originally been directed against him: Provided always, that no Decree under this Act against any Party shall bar his Right to Relief against any other Party legally liable therein.

Appeal in certain Cases.

XLV. Where it shall appear to the Sheriff that the true Value of the Subject complained of as a Nuisance, or the Cost of the Operations necessary to remove or amend it as ordered, or the Value of the Trade or Business interfered with, exceeds the Sum of *Fifteen Pounds*, he shall certify his Opinion to that Effect in his Decree, and

the Parties shall thereupon be entitled to appeal from the Sheriff Substitute to the Sheriff, on lodging, within *Three Days* after the Decree, a Note of Appeal with the Sheriff Clerk, and serving the same on the opposite Party, and such Note shall operate as a Sist of Execution until the Appeal be determined; and on such Note being lodged, the Sheriff Clerk shall transmit the Process, together with the Sheriff Substitute's Notes of Evidence, to the Sheriff, whose Decision thereon shall be final.

No Appeal otherwise.

XLVI. No Appeal shall be competent, save in Cases so certified.

Justices being Members of local Authority may act.

XLVII. The Sheriff, Justices of the Peace, or Magistrates may in all Cases, notwithstanding their being Members of the local Authority, exercise the Jurisdiction vested in them under this Act.

Proceedings not quashed for Want of Form.

XLVIII. No Decree or Order, nor any other Proceeding, Matter, or Thing done in the Execution of this Act, shall, excepting as herein-provided, be subject to Review in any Way whatever.

Service of Notices, Summonses, and Orders.

XLIX. Notices, Petitions, and Orders under this Act may be served by delivering the same to or at the Residence of the Parties to whom they are respectively addressed, or by being put into the Post Office duly addressed to the Parties, and where addressed to the Owner or Occupier of Premises they may be served by delivering the same or a true Copy thereof to some Person upon the Premises, or if there be no Person upon the Premises who can be so served by fixing the same upon some conspicuous Part of the Premises.

Proof of Resolutions of local Authority.

L. Copies of any Orders or Resolutions of the local Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, shall, unless the contrary be shown, be received as Evidence thereof, without Proof of their meeting, or of the official Character or Signature of the Person signing the same.

One or more joint Owners may be proceeded against alone.

LI. In case of any Demand or Complaint under this Act to which Two or more Parties, whether as Owners or Occupiers of Premises may be jointly answerable, it shall be sufficient to proceed against any One or more of them without proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Relief in any Case in which they would now be entitled to Relief by Law.

Penalty for obstructing Execution of Acts.

LII. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, the Sheriff or any Justice to whom Application is made shall by Order in

in Writing require such Occupier to permit the Execution of the Works required to be executed, provided that such Works appear to such Sheriff or Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding *Five Pounds* for every Day afterwards during the Continuance of such Refusal.

Penalty on Occupier obstructing Owner.

LIII. Whoever wilfully violates any Provision of this Act to which no special Penalty is attached, obstructs any Person acting under the Authority or employed in the Execution of this Act, or wilfully violates any Direction or Regulation issued by the Board under this Act, shall be liable for every such Offence to a Penalty not exceeding *Five Pounds;* provided that nothing in this Act shall exempt any Person from any Penalty or Liability to which he may otherwise be subject.

Expenses.

LIV. All Expenses or Penalties decerned for against, or due under this Act by an Owner may be recovered from the Occupier of the Premises to the Extent of the Rent thereof, and if paid by him may be deducted from the Rent, and if not so paid shall, to the Extent of *Two* Years real Value of the Premises, rank as a preferable real Burden on the whole Premises in respect of which they became due.

Expense of Execution of Act.

LV. All Charges and Expenses incurred by the local Authority in executing this Act, and not recovered, as herein-before provided, may be defrayed out of an Assessment to be levied in like Manner, and under like Powers, which are hereby given, as—

The Prison or Police Assessment, as the Town Council or Police Commissioners shall resolve, where the local Authority is a Town Council or Police Commissioners;

The Assessment for the Relief of the Poor, where the local Authority is a Parochial Board, or, where there is no such Assessment, by an Assessment levied in such Manner as an Assessment might have been levied for the Relief of the Poor.

Return of Proceedings.

LVI. The local Authority shall in each Year make a Return containing a complete Account of Charge and Discharge of all Sums received and expended under this Act, stating the Names of the Members of the local Authority, and of their Committees, the Names and Addresses of their Officers, and shall append a Statement in the Form provided in Forms E. and F. of the Schedule to this Act, of the Matters therein specified, and setting forth the Proceedings taken for the Removal or Remedying of Nuisances, and shall cause Copies

of such Return to be printed, and circulated among the Persons assessed for the Relief of the Poor, or under this Act, in their District.

Forms.

LVII. The other Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, may be used for Instruments under this Act, and shall be sufficient for the Purpose intended.

Police Constables to aid in executing Act.

LVIII. The Constabulary and Police Force in their respective Jurisdictions shall aid the Authorities and Officers acting in execution of this Act, or any Directions or Regulations issued as aforesaid.

Act not to impair Common Law Remedies for Nuisance.

LIX. Nothing in this Act shall be construed to impair any Right of Action in respect of Nuisances at Common Law.

PART V.

Amendment of the Act passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act to make more effectual Provision for regulating the Police of Towns and populous Places in Scotland, and for paving, draining, cleansing, lighting, and improving the same:"

13 & 14 Vict. c. 33.

Commissioners may levy Special Sewer Rates.

LX. The Seventy-fourth Section of the said Act is hereby repealed; and in lieu thereof be it enacted, That whenever any new Sewer shall be made, enlarged, or re-constructed under the Provisions of the said Act, it shall be lawful for the Commissioners to recover the whole Expenses incurred by them in the making, Enlargement, or Reconstruction of such Sewer from the Occupiers of all Premises situated in the Drainage District in which such Sewer shall be made, enlarged, or re-constructed; and for that Purpose the Commissioners shall assess and levy upon and from the Occupiers of such Premises, over and above any other Rates to which such Occupiers may be liable under the said Act, Special Sewer Rates not exceeding *Sixpence* in the Pound per Annum of the yearly Rent or Value of such Premises, and which Special Sewer Rates shall be assessed and levied along with and in the same Manner as the General Assessments authorized to be levied under the said Act; and all the Powers and Provisions of the said Act with respect to the assessing, levying, and recovering of such General Assessments are hereby made applicable to the assessing, levying, and recovering of the said Special Sewer Rates, in the same Manner, and as fully and effectually to all Intents and Purposes, as if such Powers and Provisions had been herein re-enacted: Provided always, that such Special Sewer Rates and the General Sewer Rates by the said Act authorized to be levied shall be assessed separately for each Drainage District, and separate Accounts thereof shall be kept; and the said Rates shall be applied in each Drainage District, as provided by the said Act and this Act.

LXI. It

Power to borrow Money for the Construction of Sewers.

LXI. It shall be lawful for the Commissioners to borrow for the Purpose of making, enlarging, or re-constructing Sewers, and on the Security of the said Special Sewer Rates and General Sewer Rates, such Sums of Money, and at such Times, as the Commissioners shall deem necessary for that Purpose, and to assign the said Special Sewer Rates and General Sewer Rates in Security of the Money to be so borrowed; and the Provisions of the said Act with respect to the borrowing of Money and the granting of Bonds therefor, and the Transference and recording of such Bonds, shall be applicable to the borrowing of Money for the Purpose of making, enlarging, or re-constructing Sewers; and the Bonds to be granted under the Powers of the said Act and this Act for the Money so to be borrowed shall, mutatis mutandis, be in the Form, as near as may be, set forth in the said Act, and shall form a Lien on the Special Sewer Rates and General Sewer Rates thereby assigned, and shall entitle the Creditors to recover the Contents thereof from the Commissioners and their Officers out of the first and readiest of the said Special and General Sewer Rates.

Application of Money borrowed for constructing Sewers.

LXII. The Money borrowed for the Construction of Sewers as aforesaid shall be applied wholly in defraying the Expense of making, enlarging, or re-constructing Sewers, and to no other Purpose whatsoever; and the Special and General Sewer Rates shall not be liable for nor be assigned in Security of the Payment of any Sums borrowed by the Commissioners for any other Purpose than the making, Enlargement, or Re-construction of Sewers.

Sinking Fund to pay off Money borrowed for constructing Sewers.

LXIII. It shall be lawful for the Commissioners and they are hereby required annually to levy from all Occupiers of Premises in each Drainage District, along with and as Part of such Special Sewer Rates and General Sewer Rates, such additional Assessment beyond the Sum necessary for paying the Interest on Money borrowed for the Purpose of defraying the Expense of making, enlarging, or re-constructing Sewers, and the current Expense of maintaining the same, as will produce a Fund equal to *Five Pounds per Centum* per Annum upon the Sum so borrowed, which Fund the Commissioners shall annually set apart and invest, at the highest Rate of Interest which can be had for the same, in the Public Funds or in any chartered or other Bank in Scotland, or on Heritable Security, as a Sinking Fund applicable and to be applied by the Commissioners from Time to Time to the Repayment of the Money so borrowed, until the Debt shall be extinguished: Provided always, that the Commissioners shall not include any Money borrowed for the Purposes of making, enlarging, or re-constructing Sewers, in fixing the Amount of the additional

Assessment to be levied by them under Section Three hundred and forty of the said Act.

Streets to be paved and flagged by Owners of Property abutting thereon.

LXIV. The Two hundred and thirteenth Section of the said Act is hereby repealed; and in lieu thereof be it enacted, That if any Street have not before the Adoption of the said Act been well and sufficiently paved and flagged or otherwise made good, the Commissioners may require the Owners of the Lands abutting on such Street to cause such Street or the Parts thereof not so paved and flagged or otherwise made good to be paved and flagged or otherwise made good, in such Manner as the Commissioners shall direct; and in the event of such Owners not complying with such Requisition within *One Month* after Notice in Writing has been given to them by the Commissioners, it shall be lawful for the Commissioners to cause such Street or the Parts thereof not so paved or flagged or otherwise made good to be paved or flagged or otherwise made good in such Manner as they shall think fit, and the Expenses incurred by the Commissioners in respect thereof shall be repaid to them by the Owners of the Lands abutting on such Street or such Parts thereof as have not been theretofore well and sufficiently paved or flagged or otherwise made good; and the Provisions and Enactments of the said Act with respect to ensuring the Execution of the Works thereby required to be done by Owners or Occupiers shall apply to the Execution of all Works required to be done, and the Recovery of all Expenses incurred by the Commissioners with respect to the paving, flagging, or otherwise making good such Street under the Provisions of this Act; and such Street shall thereafter be repaired by the Commissioners out of the Assessments levied under the said Act.

Drains may be made to discharge below High-water Mark.

LXV. If the Commissioners shall consider it necessary for Public Health that any Drain should discharge itself below High-water Mark, they shall be entitled, with the Consent of the Commissioners of Her Majesty's Woods and Forests, to construct the requisite Works for that Purpose in the Way and under the Regulations provided in regard to Works authorized under the above-mentioned Act.

Period of Imprisonment for Offences and for Default in paying Penalties and finding Caution.

LXVI. It shall be lawful for the Magistrate to sentence any Person convicted of any Offence under the said Act to Imprisonment for any Period not exceeding *Sixty* Days; and in case any pecuniary Penalty imposed on any Person convicted of an Offence under the said Act be not immediately paid or consigned, or in case Caution for good Behaviour or for keeping the Peace, authorized by the said Act to be required, be not found in manner therein mentioned, it shall be lawful for the Magistrate to sentence the Person ordered to pay such Penalty or find such Caution to be imprisoned till such Penalty

Penalty be paid or such Caution be found; but the Period of Imprisonment in respect of Default in paying such Penalty or finding such Caution shall not exceed *Sixty* Days, and the whole Period of Imprisonment in respect of the Offence and of such Default shall in no Case exceed *Ninety* Days.

Sheriff may fix Boundaries of non-agricultural Part of Burgh.

LXVII. It shall be lawful for any Owner or Occupier liable to Assessment in respect of Property situated within the Limits of any Burgh under the said recited Act, but which Property is used wholly or in part for Agricultural Purposes, to present a Petition to the Sheriff praying to have such Property or Part thereof found to be agricultural, and to be liable only for *One Half* the Rate of Assessment leviable from other Property within such Burgh, for the Purposes of the said Act, and the Sheriff shall thereupon order Service of the Petition to be made on the Commissioners on an Induciæ of *Ten* Days, and after hearing Parties, and taking such Evidence as he may think necessary, shall determine to what Extent such Property is agricultural, and such agricultural Property shall thereafter be assessed at the Rate of *One Half* of the Rate of Assessment so leviable within such Burgh.

Judgments, &c. under this Act not to be subject to Review.

LXVIII. All Judgments, Decrees, or Orders pronounced by any Sheriff or Magistrate under this Act shall, unless it be otherwise provided by this Act, be final, and not subject to any Review.

In execution of 18 & 19 Vict. c. 68., Limits of Burgh, as defined in s. 2., to comprehend several Parishes as One united Parish.

LXIX. In order to amend an Act passed in the Eighteenth and Nineteenth Year of the Reign of Her Majesty, intituled "An "Act to amend the Laws concerning the Burial of the Dead in "Scotland," so as to make the said Act available in Burghs comprehending Parts of more than One Parish, be it enacted, That in the Execution of the said Act where the Limits of any Burgh sending or contributing to send a Member to Parliament, as defined under Section Second of the said Act, shall comprehend more than One Parish, or Parts of more than One Parish, all the Parishes or Parts of Parishes within the Limits of such Burgh shall be held to be One united Parish for the Purposes of the said Act, and all that is comprehended within such Limits shall be excluded from other Parishes under the said Act, and the Town Council of the Burgh shall be held to be the Board of the united Parish, within such Limits, under the said Act.

This Act to be Part of former Act.

LXX. This Act, in so far as it amends the said recited Act, shall be construed as if it were Part thereof, and shall repeal the said recited Act in so far only as is necessary to give Effect to the Provisions of this Act.

SCHEDULE OF FORMS.

Form (A.)

Order of Justice of Peace for Admission of local Authority or their Officer to inspect private Premises.

Whereas [*describe the local Authority*] have by their Officer [*naming him*] made Application to me, *A.B.*, One of Her Majesty's Justices of the Peace having Jurisdiction in [*describe the Place*], stating on Oath their [*or* his] Belief that a Nuisance, within the Meaning of "The Nuisances Removal (Scotland) Act, 1856," exists in private Premises at [*describe Situation of Premises so as to identify them*] within my Jurisdiction, and that Demand of Admission to such Premises for the Inspection thereof has been duly made under the said Act, and refused:

Therefore, I hereby require you to admit the said [*name the local Authority*], [*or* the Officer of the said (*local Authority*)] for the Purpose of inspecting the said Premises.

Dated this Day of 18 .

A.B.

Form (B.)

Notice of Nuisance.

To the Town Council of the [Burgh] of
or To the Police Commissioners of
or To the Nuisances Removal Committee of *or*
To the Parochial Board of the Parish of in the
County of [*as the Case may be*].

We [*or* I], the undersigned Inhabitant Householders, [Sanitary Inspector *or other Officer* (describing him), of the Parish *or* Burgh of], do hereby give you Notice, That to the best of our [*or* my] Knowledge and Belief there exists in the [*Dwelling House, Yard, etc., as the Case may be*] and Premises situate at No. in Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of in your District, under "The Nuisances Removal (Scotland) Act, 1856," the following Nuisance, videlicet, [*describing the Nuisance, as the Case may be; for instance,* the Dwelling House or Building at No. aforesaid is without a Privy *or* Drain *or* sufficient Means of Ventilation, *or* is unsafe, *or* in such a filthy or such an unwholesome

wholesome Condition, *or* so out of repair, *or* there is a foul or offensive Ditch, *or* Drain, *or* such an Accumulation of *&c.*, *or* Swine so kept as to be injurious to Health]; and that such Nuisance is caused or permitted to continue by [*naming the Person by whose Act or Default, or* by some Person unknown].

Day of One thousand eight hundred and

[*Signed by Complainant or Complainants.*]

FORM (C.)

Certificate of Nuisance.

To the Town Council, *&c.* [*as in the Form of Notice*].

I, the undersigned, being Medical Officer of the under-mentioned Parish of , do hereby certify to you, That to the best of my Knowledge and Belief there exists in the Premises [Dwelling House, *or* Yard, *&c.*] situate at No. in Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of in your District, under "The Nuisances Removal (Scotland) Act, 1856," the following Nuisance [*describing the Nuisance, as the Case may be,*] cognizable under that Act.

Day of One thousand eight hundred and

A.B.

FORM (D.)

Order to permit Execution of Works by Owners.

WHEREAS Complaint hath been made to me *E.F.*, Esquire, One of Her Majesty's Justices of the Peace for the County [*or* Burgh, *&c.*] of by *A.B.*, Owner within the Meaning of "The Nuisances Removal (Scotland) Act, 1856," that *C.D.*, the Occupier of a Dwelling House [*or* Building, *or as the Case may be*], situate [*insert such a Description of the Premises as may be sufficient to identify them*], in the Parish of in the said County [*or* Burgh, *&c.*,] prevents the said *A.B.* from obeying and carrying into effect the Provisions of the said Act, videlicet, [*here describe the Works generally according to the Circumstances; for instance, thus,* cleansing *or* whitewashing *or* purifying the said

Dwelling House (*or* Building), *or* erecting a Privy *or* Drain, *or* breaking an Aperture for Ventilation, *or* cleansing a foul and offensive Drain (Ditch, Gutter, Privy, Cesspool, *or* Ashpit)] : and not having shown sufficient Cause against the same, and it appearing to me that the said Works are necessary for the Purpose of enabling the said *A.B.*, to obey and carry the same into effect, I therefore hereby order that the said *C.D.* do permit the said *A.B.* to execute the same in the Manner required by the said Act.

(Date.) *E.F.*

(FORM E.)

STATEMENT of Particulars required under s. 56. of "The Nuisances Removal (Scotland) Act, 1856," for the Year ending 31st December 18 for the [Burgh, District, *or* Parish] of

Length of open Ditches or Watercourses into which Sewage flows.	No. of Houses draining into such Ditches, &c.	Length of such open Ditches, &c. covered or otherwise improved last Year.	Manner in which done.	Cost thereof.	No. of Houses draining into the same.	Total Length of Covered Sewers.	No. of Houses draining into the same.	Total Length of Common House Drains.	No. of Houses drained by the same.	Total No. of Houses in District.	Amount assessed under s.	Number of Houses on which assessed.	Rate of Assessment on Rental of each House.	Period for which Rate is to last.	Total Rental of District.	REMARKS.

A.B., Chairman of local Authority.

(FORM F.)

STATEMENT of Proceedings taken for or in regard to Nuisances during the Year ending 31st December 185 .

Locality of Nuisance.	Nature of Nuisance.	Owner of Premises.	Occupier of Premises.	Author of Nuisance.	Date of Notice.	By whom Notice given.	Date of Inspection.	Proceedings taken.	Date of Decree.	Nature of Decree.	Date of complete Implement of Decree.	REMARKS.	No. of Common Lodging Houses registered.	No. of Convictions of Keepers of Common Lodging Houses.

Nuisances Removal, &c. (Scotland).

(No. 2.)

A

BILL

To make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns in Scotland.

(Prepared and brought in by The Lord Advocate and Viscount Duncan.)

Ordered, by The House of Commons, *to be Printed*, 23 *May* 1856.

[Bill 143.]

Under 4 *oz.*

(Scotland.) (No. 2.)

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns in Scotland.

[Note.—*Clauses* A. *and* B. *were added in Committee.*]

Preamble. 11 & 12 Vict. c. 123. 12 & 13 Vict. c. 111.

WHEREAS the Provisions of "The Nuisances Removal and Diseases Prevention Act, 1848," amended by "The Nuisances Removal and Diseases Prevention Amendment Act, 1849," are defective, and it is expedient to repeal the said Acts, so far as relates to Scotland, and to substitute other Provisions more effectual in that Behalf, and also to make Provision for the Supervision and Regulation of Common Lodging Houses and for the Health of Towns in Scotland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The Nuisances Removal (Scotland) Act, 1856."

Recited Acts repealed.

Saving Proceedings in Progress.

II. From and after the passing of this Act, the said Acts are hereby repealed, in so far as they apply to Scotland: Provided always, that all Proceedings commenced or taken under the said Acts, and not yet completed, may be proceeded with under the said

said Acts; and all Orders in Council for Scotland, and all Directions and Regulations issued by the General Board of Health under the said Acts, and all Appointments made and all Contracts or Works undertaken by virtue of the said Acts, shall continue and be as effectual as if the said Acts had not been repealed.

Interpretation Clause.

III. In this Act the following Words and Expressions shall have the Meanings herein-after assigned to them: The Word "Board" shall signify the Board of Supervision for the Relief of the Poor in Scotland; the Word "Sheriff" shall include Sheriff Substitute; the Word "Owner" shall signify the Person for the Time entitled to receive, or who would if the same were let be entitled to receive, the Rents of the Premises, and shall include a Trustee, Factor, Tutor, or Curator, and in case of Public or Municipal Property shall apply to the Persons to whom the Management thereof is intrusted; the Word "Premises" shall include Lands, Buildings, or Places open, covered, or inclosed, public or private; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Women, Corporations, Statutory Boards, Joint Stock Companies, and Partnerships; the Expression "Author of a Nuisance" shall signify the Person through whose Act or Default the Nuisance is caused, exists, or is continued, whether he be the Owner or Occupier, or both; the Expression "Common Lodging House" shall signify a House or Part thereof where Lodgers are housed at an Amount not exceeding Threepence per Night for each Person, whether the same be paid nightly or weekly, as well as to entire Houses occupied as Common Lodging Houses; the Expression "Keeper of a Common Lodging House" shall include any Person having or acting in the Care and Management of a Common Lodging House.

Local Authority.

IV. The following Bodies shall respectively be the local Authority to execute this Act in the Districts hereunder stated in Scotland:

In Places within the Jurisdiction of any Town Council, the Town Council, or in Places within the Jurisdiction of Police Commissioners under any General or Local Act, the Police Commissioners, except as herein-after provided:

In any Parish or Part thereof over which the Jurisdiction of a Town Council or of Police Commissioners does not extend, the Parochial Board of such Parish.

Clause A. Board of Supervision to determine the local Authority in Parishes not wholly within

V. Where any Parish shall be partly within and partly beyond the Jurisdiction of a Town Council and of Police Commissioners, or of one or other of them, the Board of Supervision shall, on the Application of either of these Bodies or of the Parochial Board, determine whether the Town Council or the Police Commissioners, as the Case may

may be, or the Parochial Board, shall be the local Authority within the Limits of such Parish; and where any Burgh or Town shall be situated in more than One County, the Board of Supervision shall, on Application being made to them by any Person having Interest, determine in which one of such Counties such Burgh or Town shall be held to be situated for the Purposes of this Act, whose Decision shall be final.

in the Jurisdiction of a Town Council, &c.

VI. The local Authority may appoint any Committee or Committees of their own Body to receive Notices, take Proceedings, and in all or certain specified respects execute this Act, whereof Two shall be a Quorum; and such local Authority, or their Committee, may, by Order in Writing, signed by the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf; and all Acts done or Proceedings taken by or against such Committee or Officer or Person shall be as valid as if they were done by or taken in the Name of all the Members of the local Authority.

Committee may be appointed.

VII. The local Authority may, where it shall be thought necessary for the Purposes of this Act, appoint an Inspector or Inspectors of Nuisances, and an Inspector or Inspectors of Common Lodging Houses, and shall make Byelaws for regulating the Duties of such Inspectors, and shall appoint convenient Places for their Offices, and shall allow to every such Inspector on account of his Employment a proper Salary; and if no such Inspector is appointed the local Authority shall, in all Cases in which any Duty is laid on them by this Act, appoint some Person, where the same shall be necessary, to perform such Duty, and shall remunerate him as they shall see fit.

Local Authority to appoint Sanitary Inspectors.

PART I.

Removal of Nuisances.

VIII. The Word "Nuisances" under this Act shall include—

(a) Any Insufficiency of Size, Defect of Structure, Want of Repairs, or other Matter or Circumstance rendering any inhabited House, Building, or Part thereof unwholesome or unfit for Human Habitation:

(b) Any Pool, Watercourse, Ditch, Gutter, Drain, Privy, Urinal, Cesspool, or Ashpit, so foul as to be injurious to Health:

(c) Any Animal so kept as to be injurious to Health:

(d) Any Accumulation, or Deposit within Fifty Yards of any Dwelling House within the Limits of any Burgh, or offensive or injurious to Health:

(e) Any Work, Manufactory, Trade, or Business offensive or injurious to the Health of the Neighbourhood.

Description of Nuisances under this Act.

Power of Entry to local Authority or their Officer.

IX. If the local Authority or Inspector of Nuisances have reasonable Grounds for believing that Nuisance exists in any private Premises, such local Authority or Inspector may demand to be admitted to inspect the same, at any Hour between Nine in the Morning and Six in the Evening, and if Admission be refused may apply to any Justice of the Peace having Jurisdiction in the Place, stating on Oath such Belief; and such Justice may, by Order in Writing, require the Occupier or Person having the Custody of such Premises to admit the local Authority or Inspector; and if such Occupier or Person refuse to obey such Order, he shall, on Conviction of such Offence, be liable to a Penalty not exceeding Five Pounds; and if no such Occupier or Person can be discovered, the local Authority or their Officers may enter the Premises.

Proceedings by local Authority when Nuisances are ascertained to exist.

X. In any Case where the Existence of a Nuisance is ascertained on Examination by the local Authority, or is certified to them in Writing, signed by the Medical Officer of the Parish, or where the Nuisance in the Opinion of the local Authority did exist at the Time when Demand of Admission was made or the Certificate was given, and, although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated, they may apply to the Sheriff, or to any resident Magistrate or Justice of the Peace, by summary Petition, in manner herein-after directed; and if it appear to his Satisfaction that the Nuisance exists, or, if removed or discontinued since the Demand of Admission was made or the Certificate was given, that it is likely to recur or to be repeated, he shall decern for the Removal or Remedy or Discontinuance or Interdict of the Nuisance, as herein-after mentioned; provided that in the Cases under the Head marked (e) in Section Eight such Application shall be made only on Medical Certificate as aforesaid.

Form of Interlocutor.

XI. It shall not be necessary to restrict such Decree to any special Remedy prayed for in the Petition, but, as the Case shall require, the Author of the Nuisance may be ordained to provide sufficient Privy Accommodation, Means of Drainage or Ventilation for, or to repair, make safe, and habitable, or to pave, cleanse, whitewash, disinfect, or purify, the Dwelling House, Building, or Premises, or to drain, empty, cleanse, fill up, cover, repair, or remove any Pool, Ditch, Gutter, Watercourse, Privy, Cesspool, Drain, or Ashpit, or to provide a Substitute for that complained of, or to remove the Animal, or to carry away the offensive Matter, or to discontinue the Work, Trade, Manufactory, or Business, or prevent the injurious Effects thereof, (according to the Nature of the Case,) or to do such other Works or Acts as are necessary to remove the Nuisance complained of, in such Manner and within such Time as in the Interlocutor shall be specified; and if the Sheriff, Magistrate,

Interdict against

Magistrate, or Justice of the Peace is of opinion that such or the like Nuisance is likely to recur, he may further grant Interdict against the Recurrence of it, or otherwise, as the Case may in his Judgment require; and if the Nuisance proved to exist be such as to render a House or Building in the Judgment of the Sheriff unfit for Human Habitation, he may prohibit the using thereof for that Purpose until it is rendered fit for that Purpose in his Judgment, or do otherwise as the Case may in his Judgment require. future Nuisance.

XII. If the said Decree be not complied with in good and sufficient Manner, the Author of the Nuisance shall be liable, in the Case of Nuisances specified in Clauses (a.), (b.), (c.), and (d.), in Section Eight of this Act, to a Penalty of not more than Ten Shillings per Day during his Failure so to comply; and if the said Interdict be knowingly infringed by the Act or Authority of the Owner or Occupier, such Owner or Occupier shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings per Day during such Infringement; and in the Case of Nuisances specified in Clause (e.) in the said Section, the Party not complying with or infringing such Decree shall be liable to a Penalty not exceeding Five Pounds nor less than Two Pounds for the First Offence, and of Ten Pounds for the Second, and for each subsequent Conviction a Sum double the Amount of the Penalty in the last preceding Conviction, but no Penalty shall exceed Two hundred Pounds: Provided always, in the Case of such last-mentioned Nuisance, that if it appears to the Sheriff or other Magistrate that the best Means then known to be available for mitigating the Nuisance, or the injurious Effects thereof, have not been adopted, he may suspend his final Determination, upon Condition that the Author of the Nuisance shall undertake to adopt within a reasonable and definite Time such Means as he shall judge to be practicable, and order to be carried into effect, for mitigating or preventing such injurious Effects. Penalty for Contravention of Decree and of Interdict.

XIII. When it shall appear to the Sheriff or other Magistrate that the Execution of structural Works is required for the Removal or Remedy of a Nuisance, he may direct such Works to be carried out, under the Direction or with the Consent or Approval of any Public Board, Trustees, or Commissioners having Jurisdiction in the Place in respect of similar Works, or where no such Body has such Jurisdiction, under the Direction and subject to the Approval of any Person he may appoint; and he may, before making his Order, require the local Authority, within a Time to be specified by him, to furnish him with an Estimate of the Cost of the required Works. Order when structural Works are required.

XIV. In case of Noncompliance with or Infringement of any Decree aforesaid, the local Authority may apply to the Sheriff or other Magistrate for Authority to enter the Premises to which such Decree relates, Local Authority to do Works on Owner's or Occupier's

Default, or if Person causing Nuisance cannot be found.

relates, and remove or remedy the Nuisance thereby condemned or interdicted, and do whatever may be necessary in execution of such Decree; or if in the original Application it appears to his Satisfaction that the Author of the Nuisance is not known or cannot be found, then such Decree may at once ordain the local Authority to execute the Works thereby directed; and all Expenses incurred by the local Authority in executing the Works may be recovered by an Action in the Small Debt Court, whatever may be their Amount.

Manure, &c. to be sold.

XV. Any Thing removed by the local Authority in pursuance of this Act may be sold by public Roup, after not less than Five Days Notice by printed Handbills posted in the Locality, except in Cases where Delay would be prejudicial to Health, when the Sheriff may order the immediate Removal, Destruction, or Sale of the Thing, and the Proceeds of the Sale shall be retained by the local Authority, and applied in Payment of all Expenses incurred under this Act with reference to such Nuisance, and the Surplus, if any, shall be paid, on Demand, by the local Authority, to the Owner of such Thing by whom the Balance of such Expenses shall be defrayed, if such Proceeds are insufficient for that Purpose.

Open Ditches, &c. to be covered or improved.

XVI. Whenever any Watercourse, Ditch, Gutter, or Drain along the Side of any Public Road shall be used or partly used for the Conveyance of any Water, Sewage, or other Matter from any Premises, and cannot in the Opinion of the local Authority be rendered free from Foulness or offensive Smell, without the laying down of a Sewer or of some other Structure, such local Authority shall and they are hereby required to lay down such Sewer or other Structure within the Limits of their Jurisdiction, and to keep the same in good and serviceable Repair, and may enter any Premises for such Purposes, and use such Part thereof as shall be necessary, and for such Use shall pay such Damages as may be assessed by the Sheriff on a summary Application, and to such Party as the Sheriff may direct; and such local Authority are hereby authorized and empowered to assess all the Premises from which then or at any Time thereafter any Material other than pure Water is carried into the said Sewer or other Structure, for Payment of all Expenses incurred in making and maintaining the same, and that either in One Sum or in Instalments, or as a perpetual Burden, as they shall think just and reasonable, and, after Fourteen Days Notice at the least left on the Premises so assessed, to levy and collect the Sums so assessed, in the same Manner, and with the same Remedies in case of Default in Payment thereof, as the Prison Assessment is by the Law in force for the Time being leviable and collectable, and with the same Right and Power of Appeal against the Amount of such Assessment as by the Law for the Time being in force are given against such Prison Assessment.

XVII. Nothing

XVII. Nothing in this Act contained shall enable any local Authority or other Person, either with or without any Order of the Sheriff, to injuriously affect the Navigation of any River or Canal, or to divert or diminish any Supply of Water of right belonging to any such River or Canal.

Act not to affect Navigation of Rivers or Canals.

XVIII. The Inspector of Nuisances may, at all reasonable Times, enter any Premises to inspect and examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables exposed for Sale, or which there is probable Cause for believing to be intended for Human Food; and in case any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables appear to him to be unfit for such Food, the same may be seized; and if it appear to any Justice of the Peace or Magistrate that any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or for the Parcel of Fruit or Vegetables so found.

Penalty on Sale of unwholesome Meat.

XIX. Any Person or Company engaged in the Manufacture of Gas, Naphtha, Vitriol, or Dye Stuffs, who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, Aqueduct, or Pond, or Place for Water, constructed for the Supply of Water for domestic Purposes, or into any Drain communicating therewith, any Washing or other Substance produced in any such Manufacture, or shall wilfully do any Act connected with any such Manufacture whereby the Water in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water shall be fouled, shall forfeit for every such Offence the Sum of Fifty Pounds.

Penalty for causing Water to be corrupted by Gas Washings.

XX. Such Penalty may be recovered, with Expenses, by the Person into whose Water such Washing or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such Act as aforesaid, or if there be no such Person, or in default of Proceedings by such Person, after Notice to him from the local Authority of their Intention to proceed for such Penalty, by the local Authority; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence or within Six Months after it shall have ceased.

Penalty to be sued for within Six Months.

XXI. In addition to the said Penalty of Fifty Pounds (and whether such Penalty shall have been recovered or not), the Person or Company so offending shall forfeit the Sum of Five Pounds (to be

Daily Penalty during the Continuance of the Offence.

be recovered in the like Manner), for each Day during which such Washing or other Substance shall be brought or shall flow as aforesaid, or during which the Act by which such Water shall be fouled shall continue, after the Expiration of Twenty-four Hours from the Time when Notice of the Offence shall have been served on such Person or Company by the local Authority, or the Person into whose Water such Washing or other Substance shall be brought or flow or whose Water shall be fouled thereby, and such Penalty shall be paid to the Parties from whom such Notice shall proceed; and all Monies recovered by a local Authority under this or the preceding Section shall, after Payment of any Damage caused by the Act for which the Penalty is imposed, be applied towards defraying the Expenses of executing this Act.

PART II.

Prevention and Mitigation of Diseases.

Privy Council empowered to issue Orders for Diseases Prevention.

XXII. Whenever any Part of the United Kingdom appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious Disease, the Lords and others of Her Majesty's Most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council, or One of Her Majesty's Principal Secretaries of State, being One,) may, by Order or Orders by them from Time to Time made, direct that the Provisions for the Prevention of Diseases contained in Part II. hereof be put in force in Scotland, or in such Parts thereof or in such Places therein as in such Order or Orders may be expressed, and may from Time to Time, as to all or any of the Parts or Places to which any such Order or Orders extend, and in like Manner, revoke or renew any such Order; and, subject to Revocation and Renewal as aforesaid, every such Order shall be in force for Six Calendar Months, or for such shorter Period as in such Order shall be expressed; and every such Order of Her Majesty's Privy Council or any Members thereof as aforesaid shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council, and shall be published in the Edinburgh Gazette, and such Publication shall be conclusive Evidence of such Order.

Board of Supervision to be vested with certain Powers, and an additional Member may be appointed.

XXIII. When any such Order has been issued, the Board of Supervision in Scotland shall be vested with the Powers after provided; and it shall be lawful for Her Majesty to appoint the Sheriff of any County in Scotland, other than Renfrew, Perth, or Ross, to be an additional Member of the Board during the Subsistence of such Order; and such Sheriff shall receive such Remuneration as the Commissioners of Her Majesty's Treasury may think proper, not exceeding One hundred Pounds per Annum, to be paid out of Money to be voted for that Purpose by Parliament, and the Board may also appoint a Medical Officer

Officer to act under their Directions during such Period, and such Officer shall receive a Salary not exceeding Two hundred Pounds per Annum, to be fixed and paid in like Manner; and the Board may, with the Sanction of the said Commissioners of Her Majesty's Treasury, employ such additional Clerks as may be necessary during such Period; and the Salary of such Clerks, and the Office Expenses incurred under this Act, shall be defrayed in the same Manner as the general Expenses of the Board are now defrayed.

Board may issue Regulations to carry out such Provisions.

XXIV. From Time to Time, after the issuing of any such Order as aforesaid, and whilst the same continues in force, the Board may issue such Directions and Regulations as they shall think fit for the Prevention, as far as possible, or Mitigation, of such epidemic, endemic, or contagious Diseases, and from Time to Time may revoke, renew, and alter any such Directions and Regulations; and the same shall extend to all Parts or Places in which the Provisions of this Act for the Prevention of Disease shall for the Time being be put in force under such Orders as aforesaid, unless such Directions and Regulations be expressly confined to some of such Parts or Places, and then to such Parts or Places as therein are specified; and (subject to the Power of Revocation and Alteration herein contained) such Directions and Regulations shall continue in force so long as the said Provisions of this Act shall under such Order be applicable to the same Parts or Places; and all such Directions and Regulations shall be published by being inserted in the Edinburgh Gazette, which Publication shall be conclusive Evidence thereof, and may be further published, and may be specially communicated to any local Authority, by the Secretary of the Board, as the Board may direct: Provided that the Board may, if that shall be judged necessary, direct any Inspector to apply to the Sheriff, who shall thereupon give such Orders as to him shall seem right, with a view to carry into effect such Directions and Regulations.

Local Extent and Duration of the Regulations of the Board.

Publication of Rules and Regulations.

Orders of Council, Directions and Regulations of Board, to be laid before Parliament.

XXV. Every Order of Her Majesty's Privy Council, and every Direction and Regulation of the Board under this Act, shall be laid before both Houses of Parliament, forthwith upon the issuing thereof, if Parliament be then sitting, and if not then within Fourteen Days next after the Commencement of the then next Session of Parliament.

Matters to be directed.

XXVI. The Board, by such Directions and Regulations, may provide,
For the speedy Interment of the Dead:
For House-to-House Visitation:
For the dispensing of Medicines, and for affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases, such Medical Aid and such Accommodation as may be required:

Local Authority shall execute and may direct Prosecutions for violating Regulations.

And the local Authority shall superintend and see to the Execution of such Directions and Regulations, and shall do and provide all such Acts, Matters, and Things as may be advisable for mitigating such Disease, or for superintending or aiding in the Execution of such Directions and Regulations, or for executing the same, as the Case may require, and may direct any Prosecutions or legal Proceedings for or in respect of the wilful Violation or Neglect of any such Directions and Regulations.

Power for local Authority, &c. to enter Premises.

XXVII. The local Authority acting in the Execution of such Directions and Regulations, or the Officers or Persons by them in this Behalf authorized, may enter, at reasonable Times in the Daytime, and inspect any Premises, where they have Ground for believing that any Person has recently died of any such Disease, or that Necessity may otherwise exist for executing in relation to the Premises any of such Directions and Regulations.

When Order in Council in force, overcrowded Houses to come under Common Lodging Houses Provisions.

XXVIII. When any Order in Council is in force in any Place, on the Certificate of an Inspector of Nuisances, or of a Medical Officer, or of Two duly qualified Medical Practitioners, or other sufficient Evidence, that any House or Part of a House is so overcrowded as to be dangerous to Health, the local Authority shall have Power to regulate the same according to the Provisions of this Act in reference to Common Lodging Houses.

Order in Council to extend to Parts of Sea.

XXIX. All Orders in Council for executing this Act shall extend to Parts and Arms of the Sea lying within the Jurisdiction of the Admiralty, and adjacent to the Places to which such Orders relate; and the Board may issue under the said Orders Directions and Regulations for cleansing, purifying, ventilating, and disinfecting, and preventing Disease, in Ships and Vessels, as well upon Arms and Parts of the Sea aforesaid as upon inland Waters.

Power for Medical Officer of Parish and others to recover Costs of attending Sick on board Vessels, when required by Orders of Board.

XXX. Whenever, in compliance with any Regulation of the Board, which they may be empowered to make under this Act, any Medical Officer appointed under the Laws for the Time being for the Relief of the Poor shall perform any Medical Service on board of any Vessel, such Medical Officer shall be entitled to charge extra for any such Service at the general Rate of his Allowance for his Services for the Parish for which he is appointed, and such Charges shall be payable by the Captain of the Vessel on behalf of the Owners, together with any reasonable Expenses for the Treatment of the sick; and if such Services shall be rendered by any Medical Practitioner who is not a Parish Officer, he shall be entitled to Charges for any Service rendered on board, with extra Remuneration on account of Distance, at the same Rate

as those which he is in the habit of receiving from private Patients of the Class of those attended and treated on Shipboard, to be paid as aforesaid; and in case such Charges be not paid the Medical Officer or Practitioner may bring an Action against the Captain of such Vessel for the same, and the Vessel, Cargo, and Tackle shall be subject to a Lien for the Amount of such Charges.

PART III.

Regulation of Common Lodging Houses.

Common Lodging Houses to be registered.

XXXI. The local Authority shall cause a Register to be kept, in which shall be entered the Names and Residences of the Keepers of all Common Lodging Houses within the Jurisdiction of the local Authority, and the Situation of every such House, and the Number of Lodgers authorized according to this Act to be kept therein; and the local Authority may refuse to register as the Keeper of a Common Lodging House any Person who does not produce to the local Authority a Certificate of Character in such Form as the local Authority shall direct, signed by Three Inhabitant Householders of the Parish respectively assessed for the Relief of the Poor of the Parish within which such Lodging House is situate.

No Lodger to be received in Common Lodging House till it has been inspected and registered.

XXXII. After the Expiration of One Month from the Date of the passing of this Act, it shall not be lawful to keep or use as a Common Lodging House any House, not being a Licensed Victualling House, or to receive or retain any Lodgers therein, unless such House shall have been inspected and approved for that Purpose by the Inspector of Common Lodging Houses for the District, and shall have been registered as by this Act provided.

Evidence of Register.

XXXIII. A Copy of an Entry made in a Register kept under this Act, purporting to be certified by the Person having the Charge of such Register to be a true Copy, shall be received in all Courts and on all Occasions whatsoever as Evidence, and shall be sufficient Proof of all Things therein registered, without the Production of the Register, or of any Document, Act, or Thing on which the Entry is founded; and every Person applying at a reasonable Time shall be furnished gratis by the Person having such Charge with a certified Copy of any such Entry.

Power to local Authority to make Rules and Regulations respecting Common Lodging Houses.

XXXIV. The local Authority may from Time to Time make Rules and Regulations respecting Common Lodging Houses within its Jurisdiction, for the well-ordering of such Houses, and for the Separation of the Sexes therein, and for fixing the Number of Lodgers which may be received in each such House, and in each Room therein, and for promoting the Cleanliness and Ventilation of such Houses, and

and with respect to the Inspection thereof, and the Conditions and Restrictions under which such Inspection may be made; and the said local Authority may by any such Rules and Regulations impose upon Offenders against the same such reasonable Penalties as they shall think fit, not exceeding the Sum of Five Pounds for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding the Sum of Forty Shillings for each Day after written Notice of the Offence from the said local Authority; and the said local Authority may alter or repeal any such Rules and Regulations by any subsequent Rules and Regulations signed as aforesaid: Provided always, that all such Rules and Regulations imposing any Penalty shall be so framed as to allow of the Recovery of any Sum less than the full Amount of the Penalty: Provided also, that such Rules and Regulations shall not be of any Force or Effect until the same be submitted to and confirmed by One of Her Majesty's Principal Secretaries of State, who is hereby empowered to confirm or disallow the same, as he may think proper: Provided further, that no such Rules and Regulations shall be confirmed unless Notice of the Intention to apply for Confirmation of the same shall have been given in One or more of the public Newspapers usually circulated within the Parish or Place to which such Byelaws relate One Month at least before the making of such Application; and for One Month at least before any such Application a Copy of the proposed Rules and Regulations, in Writing, signed by the Chairman of the Meeting at which they were made, shall be kept at the Office or usual Place of Meeting of the local Authority, and be open during Business Hours thereat for the Inspection of Parties assessed to the Relief of the Poor in such Parish or Place, without Fee, and the local Authority shall cause every such Party assessed as aforesaid who shall apply for the same to be furnished with a Copy thereof, on Payment of Sixpence for every One hundred Words contained in such Copy.

Rules to be confirmed by Secretary of State;

and after Notice in District.

Such Rules and Regulations to be printed.

XXXV. All Rules and Regulations made by the local Authority in pursuance of this Act shall, when confirmed as aforesaid, be printed, and hung up in the Office or usual Place of Meeting of the said local Authority, and Copies thereof shall be furnished gratis to every Keeper of a Lodging House, and such Keeper shall be bound to keep a Copy thereof hung up in some conspicuous Place in each Room in which Lodgers are received, and Copies shall also be furnished to any Party assessed as aforesaid, upon Application, and Payment of Twopence each for the same; and a Copy of such Rules and Regulations, purporting to be signed by One of Her Majesty's Principal Secretaries of State, shall be received in Evidence of such Regulations, and of the duly making and confirming thereof, without Proof of the Signature.

XXXVI. Where

Power to local Authority to require an additional Supply of Water to Common Lodging Houses

XXXVI. Where it appears to the local Authority that a Common Lodging House is without a proper Supply of Water for the Use of the Lodgers, and that such a Supply can be furnished thereto at a reasonable Rate, the local Authority may, by Notice in Writing, require the Owner or Keeper of the Common Lodging House, within a Time specified therein, to obtain such Supply, and to execute all Works necessary for that Purpose; and if such Notice be not complied with accordingly the local Authority may remove the Common Lodging House from the Register until it be complied with.

Power to local Authority to order Reports from Keepers of Common Lodging Houses kept for Beggars and Vagrants.

XXXVII. The Keeper of a Common Lodging House in which Beggars or Vagrants are received to lodge, or other Person having the Care or Management thereof, shall from Time to Time, if required by any Order of the local Authority served on such Keeper or Person, report to the local Authority, or to such Person or Persons as the said local Authority shall direct, every Person who resorted to such House during the preceding Day or Night, and for that Purpose Schedules shall be furnished by the local Authority to the Persons so ordered to report, which Schedules they shall fill up with the Information required, and transmit to the local Authority.

Local Authority may remove sick Persons from Common Lodging Houses to Hospitals, &c.

XXXVIII. When a Person in a Common Lodging House is ill of Fever or any infectious or contagious Disease, the local Authority may cause such Person to be removed to a Hospital or Infirmary, with the Consent of the Authorities thereof, and on the Certificate of the Medical Officer of the Parish, or of any Two qualified Medical Men, that the Disease is infectious or contagious, and that the Patient may be safely removed; and the local Authority may, so far as they think requisite for preventing the Spread of Disease, cause any Clothes or Bedding used by such Person to be disinfected or destroyed, and may award to the Owners of the Clothes and Bedding so disinfected or destroyed reasonable Compensation for the Injury or Destruction thereof; and such Compensation, if awarded, shall be paid to such Owners by the Inspector of the Poor of the Parish in which the Common Lodging House is situate, who shall be reimbursed thereof out of the Assessments authorized by this Act, the Amount of such Compensation being first certified in Writing upon a List of such Articles.

As to giving Notice of Fever, &c. occurring in Common Lodging Houses.

XXXIX. The Keeper of a Common Lodging House shall, when a Person in such House is ill of Fever or any infectious or contagious Disease, give immediate Notice thereof to the Inspector of Common Lodging Houses, and also to the Medical Officer of the Parochial Board and the Inspector of the Poor of the Parish in which such Common Lodging House is situated, who shall forthwith communicate

to such Parochial Board that such Notice has been received, and take the Instructions of such Parochial Board thereupon.

As to Inspection of Common Lodging Houses.

XL. The Keeper of a Common Lodging House, and every other Person having or acting in the Care and Management thereof, shall, at all Times when required by any Officer of the local Authority, give him free Access to such House or any Part thereof.

As to cleansing of Common Lodging Houses.

XLI. The Keeper of a Common Lodging House shall thoroughly cleanse all the Rooms, Passages, Stairs, Floors, Windows, Doors, Walls, Ceilings, Privies, Cesspools, and Drains thereof to the Satisfaction of the Inspector, and so often as shall be required by or in accordance with any Regulation of the local Authority, and shall well and sufficiently, and to the like Satisfaction, limewash the Walls and Ceilings thereof in the First Week of each of the Months of April and October in every Year.

Conviction for Third Offence to disqualify Persons from keeping Common Lodging House.

XLII. Where a Keeper of a Common Lodging House, or a Person having or acting in the Care or Management of a Common Lodging House, is convicted of a Third Offence under this Act, it may be adjudged as the Punishment or Part of the Punishment for such Third Offence that he shall not, at any Time within Five Years or any shorter Period after such Conviction, keep or have or act in the Care or Management of a Common Lodging House, without the previous Licence in Writing of the local Authority, which Licence the local Authority may withhold, or may grant on such Terms and Conditions as they think fit.

PART IV.

Enforcement of and Procedure under this Act.

Procedure if local Authority neglect its Duty under this Act.

XLIII. If any Nuisance shall exist upon or in Premises possessed or managed by the local Authority, or in which the local Authority have any Interest, or if the local Authority shall neglect to perform any Duty imposed upon it by this Act, or to take all due Proceedings in this Act authorized for the Removal of Nuisances or Preservation of Health, or due Regulation of Lodging Houses, it shall be competent for any Two Householders residing within the District, or the Inspector of the Poor of the Parish, or for the Procurator Fiscal of the Sheriff or Justice of the Peace Court of the County, or of the Burgh Court, to give written Notice to such local Authority of the Matters in which such Neglect exists; and if the local Authority do not, within Fourteen Days after such Notice, or, in the

the Case of Neglect to enforce any Regulation or Direction of the Board, under Part II. of this Act, within Two Days after such Notice, remove or remedy the Nuisance referred to, or in any other Case take the Steps authorized or required by this Act, it shall be competent for the Parties aforesaid to apply to the Sheriff by summary Petition; and the Sheriff shall thereupon inquire into the same, and may make such Decree as shall in his Judgment be required to enforce the Removal or Remedy of the Nuisance, or otherwise to compel Execution of or carry out the Provisions of this Act, and may appoint the same to be carried into effect by and at the Sight of such Persons as he may think fit, and at the Expense of the local Authority, or of other Parties on whom the Expense ought in his Opinion to be laid, and for Payment of the Expenses of such Application by the Petitioners or by the local Authority, as Justice may require.

Form of Applications to Sheriff.

XLIV. All Applications to the Sheriff to enforce any Provision of this Act herein-before made, or for the Recovery of Penalties herein-before imposed, shall be by summary Petition, and such Petition shall refer to the Clauses of this Act on which it is founded, without setting forth the same; and the Sheriff shall thereupon, if he see fit, appoint the Petition to be answered within Three Days, or may order the Parties to attend him in Person, and on advising such Answer, or hearing the Parties, he may at once decern, or may appoint any competent Person to examine the Premises and report to him, and may decern on such Report, or he may, if either Party desire it, order Proof to be led before himself on any specified Points, and shall, in that Case, appoint a Day, not more than Five Days thereafter, for hearing such Proof, and if the Proof be not on that Day completed may adjourn the same from Time to Time until completed, and within Three Days after such Completion he shall give Decree, and he may find either Party liable in Expenses, or in any modified Sum of Expenses.

No written Pleadings, &c. allowed.

XLV. No written Pleadings, other than the Petition and Answers (when ordered), shall be allowed, and the Sheriff shall take Notes of the Evidence in like Manner as in Civil Proofs: Provided always, that no Decree under this Act against any Party shall bar his Right to Relief against any other Party legally liable therein.

Appeal in certain Cases.

XLVI. Where it shall appear to the Sheriff that the true Value of the Subject complained of as a Nuisance, or the Cost of the Operations necessary to remove or amend it as ordered, or the Value of the Trade or Business interfered with, exceeds the Sum of Fifteen Pounds, he shall certify his Opinion to that Effect in his Decree, and

the Parties shall thereupon be entitled to appeal from the Sheriff Substitute to the Sheriff, on lodging, within Three Days after the Decree, a Note of Appeal with the Sheriff Clerk, and serving the same on the opposite Party, and such Note shall operate as a Sist of Execution until the Appeal be determined; and on such Note being lodged, the Sheriff Clerk shall transmit the Process, together with the Sheriff Substitute's Notes of Evidence, to the Sheriff, whose Decision thereon shall be final.

No Appeal otherwise.

XLVII. No Appeal shall be competent, save in Cases so certified.

Justices being Members of local Authority may act.

XLVIII. The Sheriff, Justices of the Peace, or Magistrates may in all Cases, notwithstanding their being Members of the local Authority, exercise the Jurisdiction vested in them under this Act.

Proceedings not quashed for Want of Form.

XLIX. No Decree or Order, nor any other Proceeding, Matter, or Thing done in the Execution of this Act, shall, excepting as herein provided, be subject to Review in any way whatever.

Service of Notices, Summonses, and Orders.

L. Notices, Petitions, and Orders under this Act may be served by delivering the same to or at the Residence of the Parties to whom they are respectively addressed, or by being put into the Post Office duly addressed to the Parties, and where addressed to the Owner or Occupier of Premises they may be served by delivering the same or a true Copy thereof to some Person upon the Premises, or if there be no Person upon the Premises who can be so served by fixing the same upon some conspicuous Part of the Premises.

Proof of Resolutions of local Authority.

LI. Copies of any Orders or Resolutions of the local Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, shall, unless the contrary be shown, be received as Evidence thereof, without Proof of their meeting, or of the official Character or Signature of the Person signing the same.

One or more joint Owners may be proceeded against alone.

LII. In case of any Demand or Complaint under this Act to which Two or more Parties, whether as Owners or Occupiers of Premises may be jointly answerable, it shall be sufficient to proceed against any One or more of them without proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Relief in any Case in which they would now be entitled to Relief by Law.

Penalty for obstructing Execution of Acts.

LIII. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, the Sheriff or any Justice to whom Application is made shall by Order in

in Writing require such Occupier to permit the Execution of the Works required to be executed, provided that such Works appear to such Sheriff or Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Refusal.

Penalty on Occupier obstructing Owner.

LIV. Whoever wilfully violates any Provision of this Act to which no special Penalty is attached, obstructs any Person acting under the Authority or employed in the Execution of this Act, or wilfully violates any Direction or Regulation issued by the Board under this Act, shall be liable for every such Offence to a Penalty not exceeding Five Pounds; provided that nothing in this Act shall exempt any Person from any Penalty or Liability to which he may otherwise be subject.

Expenses.

LV. All Expenses or Penalties decerned for against or due under this Act by an Owner may be recovered from the Occupier of the Premises to the Extent of the Rent thereof, and if paid by him may be deducted from the Rent, and if not so paid shall, to the Extent of Two Years real Value of the Premises, rank as a preferable real Burden on the whole Premises in respect of which they became due.

Expense of Execution of Act.

LVI. All Charges and Expenses incurred by the local Authority in executing this Act, and not recovered, as herein-before provided, may be defrayed out of an Assessment to be levied in like Manner, and under like Powers, which are hereby given, as—

The Prison or Police Assessment, as the Town Council or Police Commissioners shall resolve, where the local Authority is a Town Council or Police Commissioners;

The Assessment for the Relief of the Poor, where the local Authority is a Parochial Board, or, where there is no such Assessment, by an Assessment levied in such Manner as an Assessment might have been levied for the Relief of the Poor.

Forms.

LVII. The Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, may be used for the Purposes of this Act, and shall be sufficient therefor.

Police Constables to aid in executing Act.

LVIII. The Constabulary and Police Force in their respective Jurisdictions shall aid the Authorities and Officers acting in execution of this Act, or any Directions or Regulations issued as aforesaid.

Act not to impair Common Law Remedies for Nuisance.

LIX. Nothing in this Act shall be construed to impair any Right of Action in respect of Nuisances at Common Law.

PART V.

Amendment of the Act passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act to make more effectual Provision for regulating the Police of Towns and populous Places in Scotland, and for paving, draining, cleansing, lighting, and improving the same:"

13 & 14 Vict. c. 33

Commissioners may levy Special Sewer Rates.

LX. The Seventy-fourth Section of the said Act is hereby repealed; and in lieu thereof be it enacted, That whenever any new Sewer shall be made, enlarged, or re-constructed under the Provisions of the said Act, it shall be lawful for the Commissioners to recover the whole Expenses incurred by them in the making, Enlargement, or Re-construction of such Sewer from the Occupiers of all Premises situated in the Drainage District in which such Sewer shall be made, enlarged, or re-constructed; and for that Purpose the Commissioners shall assess and levy upon and from the Occupiers of such Premises, over and above any other Rates to which such Occupiers may be liable under the said Act, Special Sewer Rates not exceeding Sixpence in the Pound per Annum of the yearly Rent or Value of such Premises, and which Special Sewer Rates shall be assessed and levied along with and in the same Manner as the General Assessments authorized to be levied under the said Act; and all the Powers and Provisions of the said Act with respect to the assessing, levying, and recovering of such General Assessments are hereby made applicable to the assessing, levying, and recovering of the said Special Sewer Rates, in the same Manner, and as fully and effectually, to all Intents and Purposes, as if such Powers and Provisions had been herein re-enacted: Provided always, that such Special Sewer Rates and the General Sewer Rates by the said Act authorized to be levied shall be assessed separately for each Drainage District, and separate Accounts thereof shall be kept; and the said Rates shall be applied in each Drainage District, as provided by the said Act and this Act.

Power to borrow Money for the Construction of Sewers.

LXI. It shall be lawful for the Commissioners to borrow for the Purpose of making, enlarging, or re-constructing Sewers, and on the Security of the said Special Sewer Rates and General Sewer Rates, such Sums of Money, and at such Times, as the Commissioners shall deem necessary for that Purpose, and to assign the said Special Sewer Rates and General Sewer Rates in Security of the Money to be so borrowed; and the Provisions of the said Act with respect to the borrowing of Money and the granting of Bonds therefor, and the Transference and recording of such Bonds, shall be applicable to the borrowing

borrowing of Money for the Purpose of making, enlarging, or re-constructing Sewers; and the Bonds to be granted under the Powers of the said Act and this Act for the Money so to be borrowed shall, mutatis mutandis, be in the Form, as near as may be, set forth in the said Act, and shall form a Lien on the Special Sewer Rates and General Sewer Rates thereby assigned, and shall entitle the Creditors to recover the Contents thereof from the Commissioners and their Officers out of the first and readiest of the said Special and General Sewer Rates.

Application of Money borrowed for constructing Sewers.

LXII. The Money borrowed for the Construction of Sewers as aforesaid shall be applied wholly in defraying the Expense of making, enlarging, or re-constructing Sewers, and to no other Purpose whatsoever; and the Special and General Sewer Rates shall not be liable for nor be assigned in Security of the Payment of any Sums borrowed by the Commissioners for any other Purpose than the making, Enlargement, or Re-construction of Sewers.

Sinking Fund to pay off Money borrowed for constructing Sewers.

LXIII. It shall be lawful for the Commissioners and they are hereby required annually to levy from all Occupiers of Premises in each Drainage District, along with and as Part of such Special Sewer Rates and General Sewer Rates, such additional Assessment beyond the Sum necessary for paying the Interest on Money borrowed for the Purpose of defraying the Expense of making, enlarging, or re-constructing Sewers, and the current Expense of maintaining the same, as will produce a Fund equal to Five Pounds per Centum per Annum upon the Sum so borrowed, which Fund the Commissioners shall annually set apart and invest, at the highest Rate of Interest which can be had for the same, in the Public Funds or in any chartered or other Bank in Scotland, or on Heritable Security, as a Sinking Fund applicable and to be applied by the Commissioners from Time to Time to the Repayment of the Money so borrowed, until the Debt shall be extinguished: Provided always, that the Commissioners shall not include any Money borrowed for the Purposes of making, enlarging, or re-constructing Sewers, in fixing the Amount of the additional Assessment to be levied by them under Section Three hundred and forty of the said Act.

Streets to be paved and flagged by Owners of Property abutting thereon.

LXIV. The Two hundred and thirteenth Section of the said Act is hereby repealed; and in lieu thereof be it enacted, That if any Street have not before the Adoption of the said Act been well and sufficiently paved and flagged or otherwise made good, the Commissioners may require the Owners of the Lands abutting on such Street to cause such Street or the Parts thereof not so paved and flagged or otherwise made good to be paved and flagged or otherwise made good,

in such Manner as the Commissioners shall direct; and in the event of such Owners not complying with such Requisition within One Month after Notice in Writing has been given to them by the Commissioners, it shall be lawful for the Commissioners to cause such Street or the Parts thereof not so paved or flagged or otherwise made good to be paved or flagged or otherwise made good in such Manner as they shall think fit, and the Expenses incurred by the Commissioners in respect thereof shall be repaid to them by the Owners of the Lands abutting on such Street or such Parts thereof as have not been theretofore well and sufficiently paved or flagged or otherwise made good; and the Provisions and Enactments of the said Act with respect to ensuring the Execution of the Works thereby required to be done by Owners or Occupiers shall apply to the Execution of all Works required to be done, and the Recovery of all Expenses incurred by the Commissioners with respect to the paving, flagging, or otherwise making good such Street under the Provisions of this Act; and such Street shall thereafter be repaired by the Commissioners out of the Assessments levied under the said Act.

Drains may be made to discharge below High-water Mark.

LXV. If the Commissioners shall consider it necessary for Public Health that any Drain should discharge itself below High-water Mark, they shall be entitled, with the Consent of the Commissioners of Her Majesty's Woods and Forests, to construct the requisite Works for that Purpose in the Way and under the Regulations provided in regard to Works authorized under the above-mentioned Act.

Period of Imprisonment for Offences and for Default in paying Penalties and finding Caution.

LXVI. It shall be lawful for the Magistrate to sentence any Person convicted of any Offence under the said Act to Imprisonment for any Period not exceeding Sixty Days; and in case any pecuniary Penalty imposed on any Person convicted of an Offence under the said Act be not immediately paid or consigned, or in case Caution for good Behaviour or for keeping the Peace, authorized by the said Act to be required, be not found in manner therein mentioned, it shall be lawful for the Magistrate to sentence the Person ordered to pay such Penalty or find such Caution to be imprisoned till such Penalty be paid or such Caution be found; but the Period of Imprisonment in respect of Default in paying such Penalty or finding such Caution shall not exceed Sixty Days, and the whole Period of Imprisonment in respect of the Offence and of such Default shall in no Case exceed Ninety Days.

Sheriff may fix Boundaries of non-agricultural Part of Burgh.

LXVII. It shall be lawful for any Owner or Occupier liable to Assessment in respect of Property situated within the Limits of any Burgh under the said recited Act, but which Property is used wholly or in part for Agricultural Purposes, to present a Petition to the Sheriff praying to have such Property or Part thereof found

found to be agricultural, and to be liable only for One Half the Rate of Assessment leviable from other Property within such Burgh, for the Purposes of the said Act, and the Sheriff shall thereupon order Service of the Petition to be made on the Commissioners on an Induciæ of Ten Days, and after hearing Parties, and taking such Evidence as he may think necessary, shall determine to what Extent such Property is agricultural, and such agricultural Property shall thereafter be assessed at the Rate of One Half of the Rate of Assessment so leviable within such Burgh.

Judgments, &c. under this Act not to be subject to Review.

LXVIII. All Judgments, Decrees, or Orders pronounced by any Sheriff or Magistrate under this Act shall, unless it be otherwise provided by this Act, be final, and not subject to any Review.

In execution of 18 & 19 Vict. c. 68., Limits of Burgh, as defined in s. 2., to comprehend several Parishes as One united Parish.

LXIX. In order to amend an Act passed in the Eighteenth and Nineteenth Year of the Reign of Her Majesty, intituled "An "Act to amend the Laws concerning the Burial of the Dead in "Scotland," so as to make the said Act available in Burghs comprehending Parts of more than One Parish, be it enacted, That in the Execution of the said Act where the Limits of any Burgh sending or contributing to send a Member to Parliament, as defined under Section Second of the said Act, shall comprehend more than One Parish, or Parts of more than One Parish, all the Parishes or Parts of Parishes within the Limits of such Burgh shall be held to be One united Parish for the Purposes of the said Act, and all that is comprehended within such Limits shall be excluded from other Parishes under the said Act, and the Town Council of the Burgh shall be held to be the Board of the united Parish, within such Limits, under the said Act.

Clause B. Sheriff may rectify Errors as to Boundaries.

LXX. In the event of any Error having been committed by any Sheriff in defining the Boundaries of any Burgh or Town or populous Place, under the Powers conferred by the Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act to make more effectual Provision for regulating the Police "of Towns and populous Places in Scotland," it shall be lawful for any Heritor or Ratepayer having Interest to bring the Matter under the Consideration of such Sheriff, who shall have Power to rectify any such Error, and whose Judgment thereon shall be final.

This Act to be Part of former Act.

LXXI. This Act, in so far as it amends the said recited Act, shall be construed as if it were Part thereof, and shall repeal the said recited Act in so far only as is necessary to give Effect to the Provisions of this Act.

SCHEDULE OF FORMS.

Form (A.)

Order of Justice of Peace for Admission of local Authority or their Officer to inspect private Premises.

Whereas [*describe the local Authority*] have by their Officer [*naming him*] made Application to me, *A.B.*, One of Her Majesty's Justices of the Peace having Jurisdiction in [*describe the Place*], stating on Oath their [*or* his] Belief that a Nuisance, within the Meaning of "The Nuisances Removal (Scotland) Act, 1856," exists in private Premises at [*describe Situation of Premises so as to identify them*] within my Jurisdiction, and that Demand of Admission to such Premises for the Inspection thereof has been duly made under the said Act, and refused:

Therefore, I hereby require you to admit the said [*name the local Authority*], [*or* the Officer of the said (*local Authority*)] for the Purpose of inspecting the said Premises.

Dated this Day of 18 .

A.B.

Form (B.)

Notice of Nuisance.

To the Town Council of the [Burgh] of
or To the Police Commissioners of
or To the Nuisances Removal Committee of *or*
To the Parochial Board of the Parish of in the
County of [*as the Case may be*].

We [*or* I], the undersigned Inhabitant Householders, [Sanitary Inspector *or other Officer* (describing him), of the Parish *or* Burgh of], do hereby give you Notice, That to the best of our [*or* my] Knowledge and Belief there exists in the [*Dwelling House, Yard, etc., as the Case may be*] and Premises situate at No. in Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of in your District, under "The Nuisances Removal (Scotland) Act, 1856," the following Nuisance, videlicet, [*describing the Nuisance, as the Case may be; for instance*, the Dwelling House or Building at No. aforesaid is without a Privy *or* Drain *or* sufficient Means of Ventilation, *or* is unsafe, *or* in such a filthy or such an unwholesome

wholesome Condition, *or* so out of Repair, *or* there is a foul or offensive Ditch, *or* Drain, *or* such an Accumulation of *&c.*, *or* Swine so kept as to be injurious to Health]; and that such Nuisance is caused or permitted to continue by [*naming the Person by whose Act or Default, or* by some Person unknown].

Day of One thousand eight hundred and

[*Signed by Complainant or Complainants.*]

FORM (C.)

Certificate of Nuisance.

To the Town Council, *&c.* [*as in the Form of Notice*].

I, the undersigned, being Medical Officer of the under-mentioned Parish of , do hereby certify to you, That to the best of my Knowledge and Belief there exists in the Premises [Dwelling House, *or* Yard, *&c.*] situate at No. in Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of in your District, under "The Nuisances Removal (Scotland) Act, 1856," the following Nuisance [*describing the Nuisance, as the Case may be,*] cognizable under that Act.

Day of One thousand eight hundred and

A.B.

FORM (D.)

Order to permit Execution of Works by Owners.

WHEREAS Complaint hath been made to me *E.F.*, Esquire, One of Her Majesty's Justices of the Peace for the County [*or* Burgh, *&c.*] of by *A.B.*, Owner within the Meaning of "The Nuisances Removal (Scotland) Act, 1856," that *C.D.*, the Occupier of a Dwelling House [*or* Building, *or as the Case may be*], situate [*insert such a Description of the Premises as may be sufficient to identify them*], in the Parish of in the said County [*or* Burgh, *&c.*,] prevents the said *A.B.* from obeying and carrying into effect the Provisions of the said Act, videlicet, [*here describe the Works generally according to the Circumstances; for instance, thus,* cleansing *or* whitewashing *or* purifying the said

Dwelling House (*or* Building), *or* erecting a Privy *or* Drain, *or* breaking an Aperture for Ventilation, *or* cleansing a foul and offensive Drain (Ditch, Gutter, Privy, Cesspool, *or* Ashpit)]; and not having shown sufficient Cause against the same, and it appearing to me that the said Works are necessary for the Purpose of enabling the said *A.B.*, to obey and carry the same into effect, I therefore hereby order that the said *C.D.* do permit the said *A.B.* to execute the same in the Manner required by the said Act.

(Date.) *E.F.*

Nuisances Removal, &c. (Scotland).

(No. 2.)

A

BILL

[AS AMENDED IN COMMITTEE]

To make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns in Scotland.

(*Prepared and brought in by The Lord Advocate and Viscount Duncan.*)

Ordered, by The House of Commons, *to be Printed, 7 July* 1856.

[Bill 224.] *Under 3 oz.*

A

B I L L

FOR

Abrogating the Oath of Abjuration and the Assurance.

WHEREAS there has not been for many Years any Descendant of the Person who pretended to be Prince of Wales during the Life of the late King James the Second, and since his Decease pretended to be and took upon himself the Style and Title of King of England, by the Name of James the Third, as described in the Oath of Abjuration set forth in an Act passed in the Sixth Year of His late Majesty King George the Third, Chapter Fifty-three, intituled, among other things, as "An Act for "altering the Oath of Abjuration and the Assurance:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Oath of Abjuration and the Assurance as set forth and prescribed in the said Act, or as set forth and prescribed in any previous Act or Acts, and the Affirmation instead thereof as prescribed by an Act passed in the Third and Fourth Years of His late Majesty King William the Fourth, Chapter Forty-nine, intituled "An Act to "allow Quakers and Moravians to make Affirmation in all Cases "where an Oath is or shall be required," shall not from and after *the* After passing of this Act Oath of Abjuration and the Assurance to be abrogated.

passing

passing of this Act be required to be taken, subscribed, or made upon any Occasion or for any Purpose whatsoever.

Extent of Act.

II. This Act shall extend to the whole of Her Majesty's Dominions.

Oath of Abjuration.

A

B I L L

For abrogating the Oath of Abjuration and the Assurance.

(*Prepared and brought in by Mr. FitzRoy, Mr. Milner Gibson, Mr. Raikes, and Mr. Thomas Duncombe.*)

Ordered, by The House of Commons, *to be Printed,* 22 *February* 1856.

[Bill 45.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

Abrogating the Oath of Abjuration and the Assurance.

[Note.—*The Clauses marked* A. *and* B. *were added in Committee.*]

Preamble.

WHEREAS there has not been for many Years any Descendant of the Person who pretended to be Prince of Wales during the Life of the late King James the Second, and since his Decease pretended to be and took upon himself the Style and Title of King of England, by the Name of James the Third, as described in the Oath of Abjuration set forth in an Act passed in the Sixth Year of His late Majesty King George the Third, Chapter Fifty-three, intituled, among other things, as "An Act for "altering the Oath of Abjuration and the Assurance:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

After passing of this Act Oath of Abjuration and the Assurance to be abrogated.

I. The Oath of Abjuration and the Assurance as set forth and prescribed in the said Act, or as set forth and prescribed in any previous Act or Acts, and the Affirmation instead thereof as prescribed by an Act passed in the Third and Fourth Years of His late Majesty King William the Fourth, Chapter Forty-nine, intituled "An Act to "allow Quakers and Moravians to make Affirmation in all Cases "where an Oath is or shall be required," shall not from and after the passing

passing of this Act be required to be taken, subscribed, or made upon any Occasion or for any Purpose whatsoever.

CLAUSE A. Oath to be taken in lieu of the Oath of Abjuration and the Assurance.

II. In lieu of the Oath of Abjuration and of the Assurance set forth and prescribed by the said recited Act or any other Act, the following Oath shall be substituted, which shall be intituled "An Oath for "securing the Protestant Succession to the Crown as by Law estab- "lished," and shall be in the Words following; that is to say,

'I A.B. do faithfully promise to maintain, support, and defend, to 'the utmost of my Power, the Succession of the Crown, which 'Succession, by an Act intituled 'An Act for the further Limitation ''of the Crown, and better securing the Rights and Liberties of the ''Subject,' is and stands limited to the Princess Sophia, Electress and 'Duchess Dowager of Hanover, and the Heirs of her Body, being 'Protestants. 'So help me GOD.'

And every statutory Enactment now in force with respect to the Oath of Abjuration or the Assurance hereby abolished shall henceforth apply to the Oath hereby substituted, in the same Manner as if such last-mentioned Oath had been expressly mentioned or referred to in and by such statutory Enactments instead of the Oath of Abjuration and the Assurance hereby abolished.

CLAUSE B. Affirmation to be taken in lieu of Oath by Quakers and Moravians.

III. Every Person permitted by the said Act of His late Majesty King William the Fourth to make his Affirmation instead of the Oath of Abjuration and Assurance shall in lieu of the Oath hereby substituted, and of the Affirmation contained in the last-mentioned Act, make his solemn Affirmation in the following Words; that is to say,

'I A.B., being One of the People called Quakers [or, One of the 'Persuasion of the People called Quakers, or of the United 'Brethren called Moravians, as the Case may be], do solemnly promise, 'That I will be true and faithful to the Succession of the Crown, which 'Succession, by an Act intituled 'An Act for the further Limitation ''of the Crown, and the better securing of the Rights and Liberties ''of the Subject," is and stands limited to the Princess Sophia, Elec- 'tress and Duchess Dowager of Hanover, and the Heirs of her Body, 'being Protestants."

Extent of Act.

IV. This Act shall extend to the whole of Her Majesty's Dominions.

Oath of Abjuration.

A

B I L L

[AS AMENDED IN COMMITTEE]

For abrogating the Oath of Abjuration and the Assurance.

(Prepared and brought in by Mr. FitzRoy, Mr. Milner Gibson, Mr. Raikes, and Mr. Thomas Duncombe.)

Ordered, by The House of Commons, *to be Printed,* 23 *May* 1856.

[Bill 144.]

Under 1 *oz.*

A

BILL

FOR

Further regulating the Payment of the Out-Pensioners of Greenwich and Chelsea Hospitals.

WHEREAS an Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled "An Act for "regulating the Payment of the Out-Pensioners of "Greenwich and Chelsea Hospitals:" And whereas it is expedient to make further Regulations in respect of such Payment: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,— Preamble. 9 Vict. c. 10.

I. That the said recited Act shall be and the same is hereby repealed, except so far as the same repeals any other Acts or Parts of Acts. Recited Act repealed, except, &c.

II. From and after the *passing of this Act* it shall be lawful for the Secretary-at-War for the Time being to make such Rules and Regulations for the Management and Payment of the Chelsea and Greenwich Out-Pensioners, whether residing in the United Kingdom or elsewhere, as shall appear to him best calculated for their Secretary-at-War to regulate Payment of Out-Pensioners.

and

and the Public Advantage, and upon the Production of such Proof of Title to Pension as he may consider necessary.

Accounts to be audited as Army effective Services.

III. From and after the *passing of this Act*, all Payments made by the said Secretary-at-War to or on account of the Pensioners aforesaid, and the Expenses of every Description connected with their Management and Payment, shall be audited and passed in the same Manner as the Accounts of the Army effective Services are now audited and passed.

Saving of Powers of Commissioners of the Admiralty and Chelsea Hospitals.

IV. Nothing in this Act contained shall be held to interfere with the Powers of the Lord High Admiral or the Lords Commissioners of the Admiralty and the Commissioners of Chelsea Hospital respectively, in regard to granting, increasing, reducing, suspending, taking, away, or restoring of Pension, or to abridge, take away, or interfere with any Power, Authority, or Duty of the said Lord High Admiral or Commissioners respectively, other than by this Act is expressly provided.

Penalty for Frauds respecting Pensions.

V. Any Person guilty of fraudulently receiving or endeavouring to receive Pension Money, or Money in the Nature of Pension, from the Secretary-at-War, or from any Officer or Person employed or authorized to pay Pensions, shall upon Conviction be subjected to the same Pains and Penalties as are prescribed by Law in the Cases of Frauds committed or attempted to be committed upon the Commissioners of Chelsea Hospital, the Lord High Admiral or the Commissioners of the Admiralty, the Treasurer of the Navy, and the Paymaster General.

Greenwich Pensioners convicted of Felony may be restored to Pension.

VI. It shall be lawful for the Secretary-at-War, with the Concurrence of the Lord High Admiral or the Lords Commissioners of the Admiralty, to restore any Greenwich Pensioner who shall have been convicted of Felony, and thereby shall have forfeited his Pension, either to his original Pension or to any less Rate of Pension.

Pensions may be paid to the Wives and Children of Pensioners out of the United Kingdom.

VII. It shall be lawful for the Secretary-at-War, with the Consent of any Greenwich or Chelsea Pensioner residing temporarily out of the United Kingdom, to pay to or for the Benefit of his Wife, or, if he have no Wife, to or for the Benefit of his Child or Children, such Portion of his Pension as may be agreed upon; and the Receipt or Acknowledgment of the Person or Persons to whom the same shall be paid shall be a full and sufficient Discharge to the said Secretary-at-War for the Amount so issued by him.

Repayment to Parishes of Relief

VIII. If any Chelsea or Greenwich Pensioner shall be relieved, or become chargeable in Great Britain or Ireland in respect of Relief afforded

afforded to himself, or to any Person whom he is liable to maintain, or if in any Case the Secretary at War for the Time being and the Guardians of the Poor of any Union or Parish, or the Overseers of any Parish or Township not under a Board of Guardians, or the Heritors and Kirk Session of any Parish in Scotland, think it desirable that the whole or any Part of the Pension of such Pensioner should be advanced out of the Poor's Rate or Funds applicable to the Relief of the Poor, it shall be lawful for the Secretary-at-War, by any Writing under his Hand or under the Hand of any Officer or Person employed by him, to agree with such Guardians or Overseers, or Heritors and Kirk Session, for the Repayment to them out of the Pension of any such Pensioner of the Amount of Relief so advanced to or expended on his Account, not exceeding in any Case where Relief has been administered to his Wife or One Child only whom he is bound to maintain the Amount of *One Half*, or where such Relief has been administered to Two or more such Children, or to his Wife and One or more such Child or Children, the Amount of *Two Thirds* of his Pension so advanced. given to Out-Pensioners.

IX. In case any Chelsea or Greenwich Pensioner shall be or become insane, it shall be lawful for the Secretary-at-War for the Time being, upon being satisfied of such Insanity, to order that the Pension of such Insane Pensioner, or so much thereof as shall appear to the said Secretary-at-War to be necessary for his Care and Maintenance, shall be paid to such Guardians of the Poor or Overseers, or Heritors and Kirk Session, or to the Wife, Child, or any other Person to whom the Care of such Insane Pensioner may be intrusted, or who may be chargeable for or liable to the Expense of his Care and Maintenance; and the Receipt of the Person or Persons to whom the same shall be so paid shall be a sufficient Voucher and Discharge for so much Money as shall appear to have been paid thereon: Provided always, that where no Claim or Demand shall be made for the Support of any such Insane Pensioner, or where the Charge for his Care and Maintenance does not amount to the full Rate of his Pension, then and in every such Case it shall be lawful for the Secretary-at-War, at his Discretion, to order his Pension, or so much thereof as may not be necessary for his Care and Maintenance as aforesaid, to be paid to his Wife or Child or Children, if he have any. Care of Lunatic Pensioners.

X. It shall be lawful for the Secretary-at-War for the Time being to pay or to authorize the proper Office to pay to any Person or Persons who shall prove him, her, or themselves, to the Satisfaction of such Secretary-at-War or of the said proper Officer, to be the next of Kin or legal Representative of or otherwise legally entitled to any Pension Arrears of Pensions under 50*l.* may be paid to Personal Representatives without Probate or

Letters of Administration.

Pension Money due to any deceased Pensioner, the Amount of such Pension Money, not exceeding *Fifty Pounds*, although such Person or Persons shall not have taken out Letters of Administration or have procured Probate of any Will of such deceased Pensioner.

Bills on account of Pensions paid to be presented to the Paymaster General, and all Vouchers, &c. to be transmitted to the Secretary-at-War.

XI. All Bills of Exchange drawn or to be drawn by British Ministers, Consuls, and others abroad, on account of Payments made by them to Out-Pensioners of Chelsea or Greenwich Hospital, shall be presented for Acceptance at the Office of the Paymaster General, and all Letters of Advice, Receipts, and Vouchers having relation to such Bills of Exchange shall be transmitted to the Office of the Secretary-at-War.

Out-Pensioners (Greenwich and Chelsea).

A

B I L L

For further regulating the Payment of the Out-Pensioners of Greenwich and Chelsea Hospitals.

(Prepared and brought in by Mr. Peel and Mr. Wilson.)

Ordered, by The House of Commons, *to be Printed,* 29 *February* 1856.

[Bill 60.]

Under 1 *oz.*

A

BILL

TO

Give to Colleges in the University of Oxford Power to sell and exchange Lands, under certain Conditions.

Preamble.

WHEREAS it is expedient that Colleges in the University of Oxford should have Power, under certain Conditions, of selling and exchanging their Lands or Hereditaments: And whereas no Provision for that Purpose was made by the "Oxford University Act, 1854:" Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: It shall be lawful for any College in the said University, with the Consent of the Church Estates Commissioners, to sell any Estate in Lands or Hereditaments vested in such College, or to exchange any Estate in Lands or Hereditaments for any other Lands or Hereditaments, or either of them, and upon any such Exchange to receive or pay any Money by way of Equality of Exchange; and all Monies which on any such Sale or Exchange shall be received by or become payable to or for the Benefit of such College shall be paid into the Bank of England for the Benefit of such College, to such Account as the said Church Estates Commissioners shall appoint in that Behalf, and the Receipt of the said

Colleges in the University of Oxford may sell andexchange Lands, under certain Conditions.

Church Estates Commissioners shall be an effectual Discharge to any Purchaser for any Money therein expressed to be received, and shall be Evidence of their Consent as aforesaid; and all Monies so paid into the Bank of England shall be applied in Payment for Equality of Exchange as aforesaid, or shall be laid out by such College, with such Consent as aforesaid, in the Purchase of the absolute Estate of Freehold in other Lands and Hereditaments, or either of them, to be conveyed to the Use or for the Benefit of such College; and such Lands and Hereditaments, and any Lands and Hereditaments received in Exchange by such College, shall be held by the College upon the like Trusts and for the like Purposes as the Lands and Hereditaments sold or given in Exchange by such College respectively; and the Monies from Time to Time remaining unapplied for the Purposes aforesaid shall be invested by and in the Names of the said Church Estates Commissioners in the Purchase of Government Stocks, Funds, or Securities, which the said Church Estates Commissioners shall hold in trust for such College, and the said Church Estates Commissioners may sell and dispose of the same for the Purpose of effecting any such Purchase of Lands and Hereditaments, or either of them, as aforesaid, as Occasion may require; and the Interest, Dividends, and annual Proceeds of such Monies, Stocks, Funds, and Securities shall be paid to such College, to be applied to the same Purposes as the annual Income was applicable which arose out of those Lands and Hereditaments of which the Purchase Money or Part thereof was invested in such Stocks, Funds, and Securities: Provided that nothing in this Section contained shall apply to any Estate of Reversion in Lands or Hereditaments upon any Lease for Lives, or for a Term of Years determinable upon any Life or Lives, or for a Term of Years whereof more than Fourteen shall be unexpired, on which a Rent less than Three Fourths of the clear yearly Value of such Lands or Hereditaments shall have been reserved.

Oxford College Estates.

A

BILL

To give to Colleges in the University of Oxford Power to sell and exchange Lands, under certain Conditions.

(*Prepared and brought in by Lord Robert Cecil and Mr. Mowbray.*)

Ordered, by The House of Commons, *to be Printed,* 27 *June* 1856.

[Bill 207.]

Under 1 *oz.*

LORDS AMENDMENTS

TO THE

OXFORD COLLEGE ESTATES BILL.

Note.—*The Page and Line refer to the Bill as first printed by the Lords.* (216.)

In the Title.

Line 4. After ("to") insert ("the University of Oxford and "to"), and in the same Line after ("the") insert ("said"), and also in the same Line leave out ("of Oxford") and insert ("and to the College of Saint Mary of Winchester "near Winchester")

Page 1.

Line 1. After ("that") insert ("the University of Oxford and "the"), and leave out ("the") and insert ("that")

Line 2. Leave out ("of Oxford") and insert ("and the "College of Saint Mary of Winchester near Winchester")

Line 8. After ("for") insert ("the said University and for")

Line 9. After ("University") insert ("respectively, and for "the College of Saint Mary of Winchester near Win- "chester")

Line 11. After ("such") insert ("University or in such"), and after ("College") insert ("as the Case may be")

Line 16. After ("such") insert ("University or")

Line 17. After ("such") insert ("University or")

Page 2.

Line 5. After ("by") insert ("such University or")

Line 8. After ("such") insert ("University or")

Line 10. After ("such") insert ("University or"), after ("the") insert ("University or"), and after ("College") insert ("as the Case may be")

Line 12. After ("such") insert ("University or")

Line 17. After ("such") insert ("University or")

Page 2.

Line 23. After (" such ") insert (" University or ")

Line 27. After (" that ") insert (" except as herein-after mentioned ")

Line 28. After (" the ") insert (" University or any ")

Line 33. At the End of the Bill add Clauses A. and B.

Act to extend to Lands held in trust for special Endowments.

CLAUSE A. " The Powers and Provisions of this Act in " relation to any Estate of Land and Hereditaments vested " in the said University and in any College of such Uni- " versity respectively, and in the College of Saint Mary of " Winchester near Winchester, shall extend and be appli- " cable, not only to any Estate in Lands or Hereditaments " so vested as the Property or for the general Purposes of " such University or such College respectively, but also to " any such Estate so vested which may be held in trust for " any special Endowment or other Purpose connected with " such University or College."

Colleges may accept Surrenders from Lessees in consideration of annual Payments, and may sell and exchange to or with such Lessees.

CLAUSE B. " Provided also, That for facilitating such Trans- " actions by way of Sale and Exchange between Colleges " and their Lessees it shall be lawful for any College in " the said University, and for the College of Saint Mary " of Winchester near Winchester, with the Consent of the " said Church Estates Commissioners, upon accepting the " Surrender of the whole or any Part of the Lands or Here- " ditaments comprised in any Lease for Years or for Lives, " to covenant or agree to pay to the Person so surrendering, " during the Residue then unexpired of the Term, or so " long as such Lease, but for such Surrender, would have " continued, an annual Sum equal to the Difference between " the Rent reserved by such Lease, or (if Part only of the " Land or Hereditaments comprised therein be surrendered) " a proportional Part of such Rent, and the estimated " annual Value of the Lands or Hereditaments so surren- " dered; and it shall also be lawful for such College, upon " accepting such Surrender as aforesaid, and with such " Consent as aforesaid, to contract with the Lessee or " Person so surrendering for the Sale or Exchange to or " with such Lessee or Person of the Lands or Hereditaments " comprised in the Surrender, such Lands and Hereditа- " ments being for the Purpose of such Sale or Exchange " valued as if in the Possession of such College discharged " of such Lease, and to convey the same in pursuance of " such Contract accordingly."

LORDS AMENDMENTS

TO THE

OXFORD COLLEGE ESTATES BILL.

Ordered, by The House of Commons, *to be Printed*,
21 *July* 1856.

[Bill 263.]

Under 1 *oz.*

A

BILL

INTITULED

An Act to amend the Act of the Seventeenth and Eighteenth Years of Her Majesty, concerning the University of Oxford and the College of Saint Mary Winchester.

Preamble. 17 & 18 Vict. c. 81.

WHEREAS an Act was passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Eighty-one, "to make further Provi- "sion for the good Government and Extension of the University of "Oxford, of the Colleges therein, and of the College of St. Mary "Winchester," and it is expedient to extend the Provisions of the said Act as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Powers of the Act to be exercised notwithstanding Foundations or Endowments by

I. The several Powers given by Sections Twenty-eight, Twenty-nine, and Thirty-seven of the said Act may be exercised notwithstanding anything contained in any Act of Parliament, or any Decree or Order, constituting either wholly or in part an Instrument of Foundation or Endowment, or confirming or varying any Foundation or

Endowment,

Act of Parliament.

Endowment, or otherwise regulating any College or Hall, in respect of which any such Power may be exercised; in like Manner as if such Acts of Parliament, Decrees, and Orders had been expressly mentioned in the said Sections Twenty-eight and Twenty-nine.

Statutes approved under the Act may be amended during the Continuance of the Commission.

II. It shall be lawful for any College of or in relation to which any Regulation, Ordinance, or Statute shall have been approved by Her Majesty in Council under Section Thirty-six of the said Act, from Time to Time, with the Approval of the Commissioners, and during the Continuance of their Powers under the said Act, to amend or alter such Regulation, Ordinance, or Statute, subject to the same Conditions and Provisions as to the Approbation of Her Majesty in Council and all other Conditions and Provisions as are imposed by the Act in relation to the making of the original Regulation, Ordinance, or Statute.

Canonries of Christ Church to be deemed Emoluments.

III. The Canonries of Christ Church in Oxford which are not annexed to any specific Office by Act of Parliament shall be deemed College Emoluments within the Meaning and for the Purposes of the said Act.

Power to sever Benefices from Headships.

IV. Where any Benefice with Cure of Souls is annexed to the Headship of a College or Hall, or where any Advowson is held in trust for the Head of such College or Hall, it shall be lawful for the College, or, where the Annexation or Trust affects the Headship of a Hall, for the University (at any Time during the Continuance of the Commission), without Prejudice to any existing Interest of any Member of such College or Hall, and notwithstanding anything contained in any Act of Parliament or in any Deed or Instrument whatever, to make a Statute or Statutes for putting an end to such Annexation or Trust and for selling the Advowson of the Benefice so annexed or the Advowson so held in trust, or, if it be thought fit in the Case of a College, for adding such Advowson to those in the Patronage of the College, and for making, out of the College Revenues, or in the Case of a Hall out of the Proceeds of the Sale or the Investment of such Proceeds, adequate Compensation to the Head for the consequent Diminution of his Income: Provided always, that all such Statutes shall be laid before the Commissioners, who shall have Power by Writing, under their Common Seal, to approve of or reject the same, or to remit the same from Time to Time for further Consideration or Revision, with Amendments or Alterations therein.

Elections to Emoluments may be suspended on

V. Where, upon an Application of the University as to any University Emolument, or upon the Application of any College as to any Emolument within such College, it may appear to the Commissioners

missioners that it would be advisable, for the Purposes of the said Act, to suspend for a limited Period the Election to such Emolument (not being the Headship of a College or Hall), it shall be lawful for the Commissioners, by Instrument under their Common Seal, to authorize the University or such College, as the Case may be, to suspend such Election accordingly, for such a Time as may appear to the Commissioners sufficient for the Purposes aforesaid. the Application of the University or College.

Oxford University.

A

BILL

INTITULED

An Act to amend the Act of the Seventeenth and Eighteenth Years of Her Majesty, concerning the University of Oxford and the College of Saint Mary Winchester.

(*Brought from the Lords* 5 *June* 1856.)

Ordered, by The House of Commons, *to be Printed*, 5 *June* 1856.

[Bill 164.]

Under 1 *oz.*

A

BILL

TO

Regulate and make further Provision for Parochial Schools in Scotland.

WHEREAS an Act was passed by the Parliament of Scotland, in the Sixth Session of the First Parliament of King William, in the Year One thousand six hundred and ninety-six, intituled "Act for Settling of Schools," and another Act was passed by the Parliament of Great Britain, in the Forty-third Year of the Reign of His Majesty King George the Third, intituled "An Act for making better Provision for the Parochial Schoolmasters, and for making further Regulations for the better Government of the Parish Schools, in Scotland:" And whereas some of the Provisions of the recited Acts ought to be altered, and further Provision ought to be made in regard to Parochial Schoolmasters: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 1696, c. 26. 43 G. 3. c. 54.

I. From and after the *Term of Martinmas next after the passing of this Act* the Salary of any Parochial Schoolmaster in Scotland shall not be less than *Thirty-five Pounds* nor more than *Fifty Pounds* yearly; Amount of Salaries.

yearly; and where Two or more Schools have been or shall hereafter be established in any One Parish, by virtue of the Powers conferred by the said recited Acts, the Salary of any One of the Teachers of such Schools shall not be less than *Twenty-five Pounds* nor more than *Thirty-five Pounds* Sterling yearly; and in both Cases the Salaries herein provided respectively shall be levied and payable in the Manner, at the Terms, and subject to the Conditions prescribed by the said recited Acts with reference to the Salaries of Parochial Schoolmasters.

Meetings to fix Salaries.

II. Within *Three* Months next after the passing of this Act the Minister and Heritors of every Parish shall hold a Meeting to consider and determine, with regard to the whole Circumstances of the Parish, the Rate of Salary (within the herein-before defined Limits) which shall thereafter be paid to the Schoolmaster, or to each One of the Schoolmasters, as the Case may be; and an Extract of the Resolution adopted at such Meeting, signed by the Preses, shall be furnished to the Schoolmaster (or to each One of the Schoolmasters, as the Case may be), which Extract shall be a good and sufficient Warrant for the Enforcement of Payment of such Salary from the Parties liable therein, in due Course of Law.

How Salaries may be from Time to Time increased.

III. On the Expiry of the Term of *Five* Years from and after the Date of any Meeting at which the Rate of Salary attached to the Office of Schoolmaster shall have been fixed, in manner aforesaid, at a lower Rate than the maximum Rate herein-before limited, it shall be in the Power of the Schoolmaster for the Time being to make Application for an Increase of Salary, by any Writing under his Hand, addressed to the Minister of the Parish, who shall, on receipt thereof, call a Meeting of the Heritors along with the said Minister, to consider and dispose of the said Application; and on the Expiry of each successive Term of *Five* Years after any such Meeting, and so long as the Salary shall not be at the maximum Rate herein-before limited, it shall be in the Power of the Schoolmaster for the Time being to make a similar Application for an Increase thereof, which shall in like Manner be considered and disposed of by the Heritors and Minister; but provided that in no Case shall the Salary to be attached to the Office of Schoolmaster be reduced from a higher to a lower Rate.

Schoolmasters Houses to be provided of a certain Description.

IV. From and after *Twelve* Months next after *the passing of this Act* the Schoolmaster of every School established or to be established by virtue of either or both of the said recited Acts (and as well where any Parish shall have been divided into Two or more Districts as where there shall be One Schoolmaster and One School only within the

the Parish) shall have Right to a Dwelling House, consisting of at the least Three Apartments besides a Kitchen, and to a Garden of the Extent and Quality specified in the said second-recited Act; such House and Garden to be provided and in all Time coming to be kept in good Repair, or, if necessary, the House to be rebuilt, by and at the Expense of the Parties at present liable in providing Parochial Schoolmasters' Houses.

How Provisions regarding Schoolmasters' Houses to be enforced.

V. Where in any Case the Accommodations herein-before specified shall not, within the *Twelve* Months herein allowed for that Purpose, have been duly provided to any Schoolmaster entitled thereto, or where at any future Time any such House, or the Enclosures or Fences of any such Garden, shall require any Repairs, the Schoolmaster, or any Heritor of the Parish, may bring the Case by summary Petition before the Sheriff of the County or his Substitute, who shall direct and ordain such Repairs to be made as he shall deem necessary, and his Judgment thereon shall be final, and not subject to Review: Provided always, that in case he shall be satisfied that from any special Circumstances a Garden cannot reasonably be allotted to any such Schoolmaster, it shall be in his Power to ordain that in lieu thereof there shall be paid by the Heritors to such Schoolmaster, besides his Salary, any Sum not exceeding the Sum of *Five Pounds* yearly.

Retiring Allowances may be provided to Schoolmasters.

VI. Where it shall appear to the Heritors and Minister of any Parish that the Schoolmaster of any School thereof is, by reason of Infirmity or old Age or otherwise, disqualified for the due Discharge of his Duties, it shall be in the Power of the Minister and Heritors by a Resolution passed at a Meeting called for that Purpose to permit or to require such Schoolmaster to resign his Office, and to grant him a retiring Allowance, which Allowance shall not be of greater annual Amount than *Four Fifth* Parts of the Salary of the Office for the Time being, nor of less annual Amount than *Three Fifth* Parts thereof, and shall be levied and payable in manner, at the Terms, and subject to the Conditions prescribed with reference to the Salaries of Parochial Schoolmasters by the said recited Acts, and on such Resignation being permitted or required, the School shall be declared vacant in common Form.

Prosecution of Schoolmaster at the Instance of the Heritors and Minister or of the Inspector.

VII. From and after *the passing of this Act* no Proceedings taken against a Schoolmaster in any Parish or District thereof, with a view to the Censure, Suspension, or Deprivation of such Schoolmaster, shall be competent unless at the Instance either of the Heritors and Minister of the Parish, or of the Inspector of Schools for the Time being of the District within which such School is situated, but both

or either of the before-named Parties are hereby empowered to originate and prosecute to a final Issue all or any such Proceedings.

In case of moral Delinquency, on Inspector's Report, Heritors and Minister may depose Schoolmaster.

VIII. Where the Minister and Heritors of any Parish shall judge an Investigation regarding the moral Conduct or Behaviour of any Schoolmaster thereof to have become necessary, it shall be in their Power to require the Inspector of Schools for the District to inquire and to report to them in Writing thereon, and if the Inspector shall, either on any such Remit or otherwise, report to the Effect, that in his Opinion the Schoolmaster has been guilty of such Crime or moral Delinquency as to justify or require his Removal from his said Office, it shall be in the Power of the said Minister and Heritors by their Sentence to depose and remove such Schoolmaster accordingly; in which Case it shall be competent to the Schoolmaster, within *Six* Weeks of the Date of the Sentence, but not otherwise, to bring such Sentence by summary Petition under the Review of the Sheriff of the County or his Substitute, who shall hear Parties and make such Inquiries and call for such Evidence as he shall deem necessary, and thereafter pronounce his Decision thereon, which Decision shall be final and not subject to Review; and such Sentence of Deposition (unless altered by the said Sheriff) shall be as effectual to all Intents and Purposes, and shall be followed by the like Execution, as if it had been pronounced by any Presbytery in Terms of either of the said recited Acts.

Schoolmaster not required to subscribe Confession of Faith.

IX. From and after *the passing of this Act* any Person elected to the Office of Schoolmaster in any Parish or District thereof shall not be required, as a Condition of his Admission to or Enjoyment of the said Office, to acknowledge, profess, or subscribe any Confession of Faith, Test, or Formula.

Schoolmaster must obtain Certificate of Fitness from an Inspector.

X. No Person shall hereafter be admitted to the Office of Schoolmaster in any Parish or District thereof without a Certificate of his Fitness for the said Office, subscribed by the Inspector of Schools for the Time being of the District in which the School is situated, obtained after such Inquiry and Examination as the said Inspector shall deem requisite.

Schoolmaster not of the Established Church may be examined as Minister and Heritors may direct, and not by Presbytery.

XI. If any Person elected to the Office of Schoolmaster shall declare when elected that he is not of the Established Church of Scotland, the Minister and Heritors shall direct him to be examined in such Manner as they may think fit, in addition to his Examination by the Inspector, and it shall not be necessary for such Person to be examined by, or produce any Certificate of Examination from, the Presbytery of the Bounds.

XII. For

Definition of "Heritors."

XII. For the Purposes of this Act and of the said recited Acts any Person shall hereafter be held to be an Heritor, with regard to any Parish in Scotland, whose Name shall for the Time being appear on the Valuation Rolls of the County within which such Parish is situated as Proprietor, or who shall be the Husband of a Proprietor, of Property within the said Parish of an annual Value of not less than *One hundred Pounds* Sterling.

How Meetings of Heritors to be called.

XIII. Meetings of Heritors and Ministers under this Act shall be called and convened, as nearly as may be, in the Manner prescribed by the said second-recited Act of the Forty-third Year of the Reign of King George the Third, and the Proceedings at such Meetings shall be conducted as nearly as may be in Terms of that Act: Provided always, that it shall not be necessary to give any longer Notice of any such Meeting of Heritors and Minister than *Twenty-one* Days.

Privy Council to appoint Inspectors of Parochial Schools.

XIV. The Committee of Her Majesty's most Honourable Privy Council on Education shall appoint from Time to Time so many qualified Persons as they shall deem necessary for the Discharge of the Duties imposed by this Act to be Inspectors of Parochial Schools in Scotland, and such Inspectors shall have Access to and a Right to inspect any Parochial School at such Times as they may think proper, and shall inspect the Parochial Schools within such District as the said Committee shall appoint.

Former Acts repealed only in so far as inconsistent herewith.

XV. The said recited Acts, and all Laws, Statutes, and Usages now in force respecting Schools and Schoolmasters in Scotland, shall be and the same are hereby repealed, in so far as necessary in order to give full Effect to the Provisions of this Act, but no further or otherwise.

Parochial Schools (Scotland).

A

BILL

To regulate and make further Provision for Parochial Schools in Scotland.

(*Prepared and brought in by The Lord Advocate, Sir George Grey, and Viscount Duncan.*)

Ordered, by The House of Commons, *to be Printed,* 9 *April* 1856.

[Bill 95.]

Under 1 *oz.*

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Regulate and make further Provision for Parochial Schools in Scotland.

[Note.—*The Clause marked* A. *was added in Committee.*]

WHEREAS an Act was passed by the Parliament of Scotland, in the Sixth Session of the First Parliament of King William, in the Year One thousand six hundred and ninety-six, intituled "Act for Settling of Schools," and another Act was passed by the Parliament of Great Britain, in the Forty-third Year of the Reign of His Majesty King George the Third, intituled "An "Act for making better Provision for the Parochial Schoolmasters, "and for making further Regulations for the better Government of "the Parish Schools, in Scotland:" And whereas some of the Provisions of the recited Acts ought to be altered, and further Provision ought to be made in regard to Parochial Schoolmasters: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 1696, c. 26. 43 G. 3. c. 54.

I. From and after the Term of Martinmas One thousand eight hundred and fifty-five the Salary of any Parochial Schoolmaster in Scotland shall not be less than Thirty-five Pounds nor more than Fifty Amount of Salaries.

Pounds yearly; and where Two or more Schools have been or shall hereafter be established in any One Parish, by virtue of the Powers conferred by the said recited Acts, the Salary of any One of the Teachers of such Schools shall not be less than Twenty-five Pounds Sterling yearly; and in both Cases the Salaries herein provided respectively shall be levied and payable in the Manner, at the Terms, and subject to the Conditions prescribed by the said recited Acts with reference to the Salaries of Parochial Schoolmasters.

Meetings to fix Salaries.

II. Within Three Months next after the passing of this Act the Minister and Heritors of every Parish shall hold a Meeting to consider and determine, with regard to the whole Circumstances of the Parish, the Rate of Salary (within the herein-before defined Limits) which shall be paid to the Schoolmaster, or to each One of the Schoolmasters, as the Case may be; and an Extract of the Resolution adopted at such Meeting, signed by the Preses, shall be furnished to the Schoolmaster (or to each One of the Schoolmasters, as the Case may be), which Extract shall be a good and sufficient Warrant for the Enforcement of Payment of such Salary from the Parties liable therein, in due Course of Law.

How Salaries may be from Time to Time increased.

III. On the Expiry of the Term of Five Years from and after the Date of any Meeting at which the Rate of Salary attached to the Office of Schoolmaster shall have been fixed, in manner aforesaid, at a lower Rate than the maximum Rate herein-before limited, it shall be in the Power of the Schoolmaster for the Time being to make Application for an Increase of Salary, by any Writing under his Hand, addressed to the Minister of the Parish, who shall, on receipt thereof, call a Meeting of the Heritors along with the said Minister, to consider and dispose of the said Application; and on the Expiry of each successive Term of Five Years after any such Meeting, and so long as the Salary shall not be at the maximum Rate herein-before limited, it shall be in the Power of the Schoolmaster for the Time being to make a similar Application for an Increase thereof, which shall in like Manner be considered and disposed of by the Heritors and Minister; but provided that in no Case shall the Salary of a Schoolmaster be reduced from a higher to a lower Rate during his Tenure of Office.

Schoolmasters Houses to be provided of a certain Description.

IV. From and after Twelve Months next after the passing of this Act the Schoolmaster of every School established or to be established by virtue of either or both of the said recited Acts (and as well where any Parish shall have been divided into Two or more Districts as where there shall be One Schoolmaster and One School only within the

the Parish) shall have Right to a Dwelling House, consisting of at the least Three Apartments besides a Kitchen, and to a Garden of the Extent and Quality specified in the said second-recited Act; such House and Garden to be provided and the House in all Time coming to be kept in good Repair, or, if necessary, to be rebuilt, by and at the Expense of the Parties at present liable in providing Parochial Schoolmasters Houses.

How Provisions regarding Schoolmasters Houses to be enforced.

V. Where in any Case the Accommodations herein-before specified shall not, within Two Years after the passing of this Act, have been duly provided to any Schoolmaster entitled thereto, or where at any future Time any such House, or the Enclosures or Fences of any such Garden, shall require any Repairs, if such Repairs be not made within Six Months after Requisition, the Schoolmaster, or any Heritor of the Parish, may bring the Case by summary Petition before the Sheriff of the County or his Substitute, who shall direct and ordain such Accommodation to be provided, and such Repairs as he shall deem necessary to be made, and his Judgment thereon shall be final, and not subject to Review: Provided always, that in case he shall be satisfied that from any special Circumstances a Garden cannot reasonably be allotted to any such Schoolmaster, it shall be in his Power to ordain that in lieu thereof there shall be paid by the Heritors to such Schoolmaster, besides his Salary, any Sum not exceeding the Sum of Five Pounds yearly.

Retiring Allowances may be provided to Schoolmasters.

VI. Where it shall appear to the Heritors and Minister of any Parish that the Schoolmaster of any School thereof is, by reason of Infirmity or old Age or otherwise, disqualified for the due Discharge of his Duties, it shall be in the Power of the Minister and Heritors by a Resolution passed at a Meeting called for that Purpose to permit or to require such Schoolmaster to resign his Office, and to grant him a retiring Allowance, which Allowance shall not be of greater annual Amount than the Salary of the Office for the Time being, nor of less annual Amount than Two Third Parts thereof, and shall be levied and payable in manner, at the Terms, and subject to the Conditions prescribed with reference to the Salaries of Parochial Schoolmasters by the said recited Acts, and on such Resignation being permitted or required, the School shall be declared vacant in common Form.

Prosecution of Schoolmaster at the Instance of the Heritors and Minister or of the Inspector.

VII. From and after the passing of this Act no Proceedings taken against a Schoolmaster in any Parish or District thereof, with a view to the Censure, Suspension, or Deprivation of such Schoolmaster, shall be competent unless at the Instance of any of the Heritors or of the Minister of the Parish, or of the Inspector of Schools for the

the Time being of the District within which such School is situated, but any of the before-named Parties are hereby empowered to originate and prosecute to a final Issue any Complaint against the Conduct of the Schoolmaster.

In case of moral Delinquency, on Inspector's Report, Heritors and Minister may depose Schoolmaster.

VIII. Where the Minister and Heritors of any Parish, on Complaint made to them or otherwise, shall judge an Investigation regarding the moral Conduct or Behaviour of any Schoolmaster thereof to have become necessary, it shall be in their Power to require the Inspector of Schools for the District to inquire and to report to them in Writing thereon, and if the Inspector shall, either on any such Remit or otherwise, report to the Effect, that in his Opinion the Schoolmaster has been guilty of any such moral Delinquency as to justify or require his Removal from his said Office, it shall be in the Power of the said Minister and Heritors, after having served on the Schoolmaster a Copy of the said Inspector's Report, and considered any Statement he may have to make in reply, by their Sentence to depose and remove such Schoolmaster accordingly; in which Case it shall be competent to the Schoolmaster, within Six Weeks of the Date of the Sentence, but not otherwise, to bring such Sentence by summary Petition under the Review of the Sheriff of the County or his Substitute, who shall hear Parties and make such Inquiries and call for such Evidence as he shall deem necessary, and thereafter pronounce his Decision thereon, which Decision shall be final and not subject to Review; and such Sentence of Deposition (unless altered by the said Sheriff) shall be as effectual to all Intents and Purposes, and shall be followed by the like Execution, as if it had been pronounced by any Presbytery in Terms of either of the said recited Acts.

Schoolmaster not required to subscribe Confession of Faith.

IX. From and after the passing of this Act any Person elected to the Office of Schoolmaster in any Parish or District thereof shall not be required, as a Condition of his Admission to or Enjoyment of the said Office, to acknowledge, profess, or subscribe any Confession of Faith, Test, or Formula.

Clause A. Schoolmaster must obtain Certificate of Fitness.

X. No Person shall be eligible to the Office of Schoolmaster in any Parochial School unless he either hold a Certificate from the Committee of Her Majesty's most Honourable Privy Council on Education, or a Diploma from the Educational Institute of Scotland; and every Person elected to the said Office shall, before Admission, if the Minister and Heritors shall so direct, be examined by the Inspector of the District, and the Minister and Heritors shall not be bound to admit such Master unless the Inspector report that his Examination has been satisfactory.

XI. If

Schoolmaster not of the Established Church may be examined as Minister and Heritors may direct, and not by Presbytery.

XI. If any Person elected to the Office of Schoolmaster shall declare when elected that he is not of the Established Church of Scotland, the Minister and Heritors shall direct him to be examined in such Manner as they may think fit, in addition to his Examination by the Inspector, and it shall not be necessary for him to be examined by, or produce any Certificate of Examination from, the Presbytery of the Bounds.

How Meetings of Heritors to be called.

XII. Meetings of Heritors and Ministers under this Act shall be called and convened, as nearly as may be, in the Manner prescribed by the said second-recited Act of the Forty-third Year of the Reign of King George the Third, and the Proceedings at such Meetings shall be conducted as nearly as may be in Terms of that Act: Provided always, that it shall not be necessary to give any longer Notice of any such Meeting of Heritors and Minister than Twenty-one Days.

Privy Council to appoint Inspectors of Parochial Schools.

XIII. The Committee of Her Majesty's most Honourable Privy Council on Education shall appoint from Time to Time so many qualified Persons as they shall deem necessary for the Discharge of the Duties imposed by this Act to be Inspectors of Parochial Schools in Scotland, and such Inspectors shall have Access to and a Right to inspect any Parochial School at such Times as they may think proper, and shall inspect the Parochial Schools within such District as the said Committee shall appoint.

Former Acts repealed only in so far as inconsistent herewith.

XIV. The said recited Acts, and all Laws, Statutes, and Usages now in force respecting Schools and Schoolmasters in Scotland, shall be and the same are hereby repealed, in so far as necessary in order to give full Effect to the Provisions of this Act, but no further or otherwise; and the Powers and Jurisdiction of Presbyteries over Parochial Schools, excepting in so far as expressly altered by this Act, shall remain in full Force.

Parochial Schools (Scotland).

A

BILL

[AS AMENDED IN COMMITTEE]

To regulate and make further Provision for Parochial Schools in Scotland.

(*Prepared and brought in by The Lord Advocate, Sir George Grey, and Viscount Duncan.*)

Ordered, by The House of Commons, *to be Printed,* 27 *June* 1856.

[Bill 203.]

Under 1 *oz.*

LORDS AMENDMENTS

TO THE

PAROCHIAL SCHOOLS (SCOTLAND) BILL.

Note.—*The Page and Line refer to the Bill as first printed by the Lords.* (224.)

Page 2.

Line 10. After ("Parish") insert ("and in like Manner on the "Occasion of any Vacancy in the Office of Schoolmaster "in a Parish the Minister and Heritors of such Parish,")

Page 3.

Line 1. After ("receive") insert ("at least")

Line 2. After ("Pounds") insert Clause A.

CLAUSE A. "When it shall appear to the Minister and "Heritors of any Parish that it is more advisable to "appoint an Assistant or Assistants to the Parochial "Schoolmaster than to establish another School, it shall be "lawful for the Minister and Heritors, at a Meeting to "be called for that Purpose, to resolve that One or more "Assistant or Assistants shall be appointed, and to grant a "Salary of not less than Twenty Pounds nor more than "Thirty Pounds per Annum to each of such Assistants "while so employed, and such Salaries shall be payable "and collected in like Manner with the Schoolmaster's "Salary."

Heritors and Minister in certain Cases may appoint Assistant or Assistants.

Line 4. Leave out ("every") and insert ("One"), and after ("School") insert ("in every Parish")

Page 4.

Line 15. Leave out ("Complaint") and insert ("Proceed-"ings"), and leave out from ("against") to ("School-"master") in Line 16, and insert ("a")

Page 5.

Leave out Clauses XII., XIII., and XIV. and insert Clause B.

Clause B. "If any Person elected to the Office of School-
" master in any Parochial School shall not before Admission
" to the said Office, hold either a Certificate from the Com-
" mittee of Her Majesty's Most Honourable Privy Council
" on Education, or a Diploma from the Educational Institute
" of Scotland, or Certificates of Proficiency from at least
" Two Professors in a University whose Classes he shall
" have attended, such Person shall before Admission be
" examined by the Inspector of the District, and the
" Minister and Heritors shall not be bound to admit such
" Master unless the Inspector report that his Examination
" has been satisfactory."

Line 40. After ("Parish)" insert (" of which the Minister of
" the Parish within which such School is situate shall, for
" the Purposes of the said recited Acts and of this Act,
" be considered the Minister ")

Page 6.

Line 1. Leave out (" of") insert (" to")

Line 15. After (" Act ") insert (" and the Heritors entitled to
" attend or vote at such Meetings, or to originate any Pro-
" ceedings under this Act, shall be possessed of the Quali-
" fications required by the said recited Act of the Forty-
" third Year of the Reign of George the Third")

Leave out Clause XVIII.

LORDS AMENDMENTS

TO THE

PAROCHIAL SCHOOLS (SCOTLAND) BILL.

Ordered, by The House of Commons, *to be Printed,*
18 *July* 1856.

[Bill 257.]

Under 1 *oz.*

1 *February* 1856. 19 Vict.

A

BILL

TO

Amend the Law of Partnership.

WHEREAS it is expedient to amend the Law relating to Partnership: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

The Advance of Money or Capital on Contract to share the Profits or the Loss not to make the Lender liable as a Partner.

I. The Advance of Capital or Money to be used in any Trade or Undertaking not being the Trade of a Banker, upon a Contract with the Person carrying on such Trade or Undertaking that the Person making such Advance shall receive a Share of the Profits or shall bear a Share of the Loss of the Trade or Undertaking, shall not, of itself, render the Person making such Advance liable to Third Parties as a Partner in such Trade or Undertaking.

The Remuneration of Agents, &c. by Share of Profits not to make them Partners.

II. No Contract for the Remuneration of a Servant or Agent of any Person engaged in any Trade or Undertaking by a Share of the Profits of such Trade or Undertaking shall, of itself, render such Servant or Agent responsible as a Partner therein.

Interpretation.

III. In the Construction of this Act the Word "Person" shall include a Partnership, Firm, a Joint Stock Company, and a Corporation.

Partnership Amendment.

A

B I L L

To amend the Law of Partnership.

(Prepared and brought in by
Mr. FitzRoy, Mr. Lowe, and Viscount Palmerston.)

Ordered, by The House of Commons, *to be Printed,*
1 *February* 1856.

[Bill 1.]

Under 1 *oz.*

25 *February* 1856. 19 Vict.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law of Partnership.

[Note.—*The Clauses marked* A. *and* B. *were added in Committee.*]

WHEREAS it is expedient to amend the Law relating to Partnership: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Clause A. Act not to apply to Bankers.

I. This Act shall not apply to the Business of a Banker.

Clause B. Sharing Profits not to make the Sharer liable to Debts.

II. No Person carrying on Business shall, by reason that another Person shares in the Profits of such Business, have Power to contract Debts on behalf of such other Person, or to subject him to any Liability.

Interpretation.

III. In the Construction of this Act the Word "Person" shall include a Partnership, a Joint Stock Company, and a Corporation.

Partnership Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law of Partnership.

(*Prepared and brought in by*
Mr. FitzRoy, Mr. Lowe, and Viscount Palmerston.)

Ordered, by The House of Commons, *to be Printed,*
25 *February* 1856.

[Bill 46.]

Under 1 *oz.*

(No. 2.)

A

BILL

TO

Amend the Law of Partnership.

WHEREAS it is expedient to amend the Law relating to Partnership: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act shall not apply to the Business of a Banker. Act not to apply to Banker.

II. The Term "Trader" shall include any Person, Partnership, Company, or Body Corporate carrying on any Trade, Business, or Undertaking. Definition of Trader.

III. No Person making a Loan to any Trader shall be deemed to be a Partner of or to be subject to any Liabilities incurred by such Trader by reason only that he receives as a Compensation for such Loan a Portion of the Profits made in any Business carried on by such Trader. Lender not to be deemed a Partner.

IV. No Person, being an Agent or Servant or Person in the Employ of any Trader, shall be deemed to be a Partner of or to be subject to any Liabilities incurred by such Trader, by reason only that he receives Agent or Servant not to be deemed a Partner.

receives as a Remuneration for his Services as such Agent or Servant a Portion of the Profits made in any Business carried on by such Trader.

Annuitant not to be deemed a Partner.

V. No Person receiving by way of Annuity or otherwise any Portion of the Profits made by any Trader in his Business shall by reason only of such Receipt be deemed to be a Partner of or to be subject to any Liabilities incurred by such Trader.

Partnership Amendment (No. 2.) Bill.

A

B I L L

To amend the Law of Partnership.

(*Prepared and brought in by Mr. Lowe, Mr. FitzRoy, and Viscount Palmerston.*)

Ordered, by The House of Commons, *to be Printed,* 7 *April* 1856.

[Bill 92.]

Under 1 *oz.*

(No. 2.)

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Law of Partnership.

[Note.—*The Clauses marked* A. *to* C. *were added in Committee.*]

WHEREAS it is expedient to amend the Law relating to Partnership: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act shall not apply to the Business of a Banker. Act not to apply to Banker.

II. The Term "Trader" shall include any Person, Partnership, Company, or Body Corporate carrying on any Trade, Business, or Undertaking. Definition of Trader.

III. No Person making a Loan to any Trader shall be deemed to be a Partner of, or to be subject to any Liabilities incurred by, such Trader by reason only that he receives as a Compensation for such Loan a Portion of the Profits made in any Business carried on by such Trader; but in case of the Insolvency or Bankruptcy of such Trader no Portion of such Loan as aforesaid shall be recoverable until after all other Creditors shall have been fully satisfied as to their lawful Claims on the said Business. Lender not to be deemed a Partner.

IV. No

Agent or Servant not to be deemed a Partner.

IV. No Person, being an Agent or Servant or Person in the Employ of any Trader, shall be deemed to be a Partner of or to be subject to any Liabilities incurred by such Trader, by reason only that he receives as a Remuneration for his Services as such Agent or Servant a Portion of the Profits made in any Business carried on by such Trader.

Annuitant not to be deemed a Partner.

V. No Person receiving by way of Annuity or otherwise any Portion of the Profits made by any Trader in his Business shall by reason only of such Receipt be deemed to be a Partner of or to be subject to any Liabilities incurred by such Trader.

Clause A. Disputes as to Profits to be referred to Arbitration.

VI. In Cases where any Lender, Agent, or Servant, or any Annuitant, has contracted with a Trader to receive a Portion of the Profits made by such Trader in his Business, and as Part of such Contract has agreed that the Amount of Profits made by such Trader, and any other Matter arising out of such Contract, is, in case of Dispute, to be settled by Arbitration, such Provision as to the Settlement of the Dispute by Arbitration shall be imperative upon the Parties to the Contract; and no Court of Law or of Equity shall, as between the Parties to such Contract, or any Persons claiming through them, take any Account of such Profits or Cognizance of any Matter within the Scope of such Arbitration.

Clause B. Arbitration how conducted.

VII. In Cases where the Parties themselves have made Provision as to the Manner in which the Arbitration is to be conducted, the Arbitration shall be conducted accordingly; but in Cases where no such Provision has been made, Arbitrations shall be conducted in manner directed by the Railways Clauses Consolidation Act, 1845; and all the Provisions of such last-mentioned Act, with respect to the Settlement of Disputes by Arbitration, except the Sections numbered 129 and 134 respectively, shall be incorporated with this Act.

Clause C. Umpire, how appointed when Arbitrators neglect or refuse to appoint.

VIII. In Cases where the Arbitrators appointed under this Act refuse, or for Seven Days after the Request of either Party to the Arbitration neglect to appoint an Umpire, any Judge of Her Majesty's Superior Courts sitting in Chambers, or the Judge of the County Court which has Jurisdiction over the District where the Trade is carried on in respect of which the Dispute has arisen, may appoint an Umpire.

Partnership Amendment (No. 2.) Bill.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law of Partnership.

(*Prepared and brought in by Mr. Lowe, Mr. FitzRoy, and Viscount Palmerston.*)

Ordered, by The House of Commons, *to be Printed,* 4 *July* 1856.

[Bill 116.]

Under 1 *oz.*

A

B I L L

TO

Amend the Acts relating to Pawnbrokers.

WHEREAS under and by virtue of an Act passed in the Twenty-fifth Year of the Reign of King George the Third, Chapter Forty-eight, all Persons using or exercising the Trade or Business of a Pawnbroker in Great Britain are required to take out a Licence annually for that Purpose in the Manner prescribed by the said Act, under the Penalty of Fifty Pounds for any Neglect in that Behalf, and such Licences are chargeable with certain Stamp Duties granted and imposed thereon by an Act passed in the Fifty-fifth Year of the said King's Reign, Chapter One hundred and eighty-four: And whereas an Act was passed in the Thirty-ninth and Fortieth Years of the said King's Reign, Chapter Ninty-nine, for better regulating the Business of Pawnbrokers: And whereas Attempts are made to evade the Provisions of the said Acts by Persons who receive Goods and Chattels into their Possession, and advance Money thereon, under the Pretence that the Transaction is a Sale and Purchase of such Goods and Chattels, and not a receiving or taking of the same by way of Pawn or Pledge; and it is expedient to amend the said Acts with a view to prevent such Evasions and the Mischiefs arising therefrom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

Preamble

25 G. 3. c. 48.

55 G. 3. c. 184.

39 & 40 G. 3. c. 99.

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons deemed to be Pawnbrokers.

I. The following shall be deemed to be Persons using and exercising the Trade and Business of a Pawnbroker within the Meaning of the several Acts aforesaid, and subject and liable to all the Provisions and Regulations thereof in relation to Pawnbrokers, as well as the Persons who by or under the said Acts or any of them are declared or deemed to be Persons using or exercising the said Trade or Business; (that is to say,) every Person who shall keep a House, Shop, or other Place for the Purchase or Sale of Goods or Chattels, or for taking in Goods or Chattels by way of Security for Money advanced thereon, and shall purchase or receive or take in any Goods or Chattels, and pay or advance or lend thereon any Sum of Money not exceeding Ten Pounds, with or under any Agreement or Understanding, express or implied, or which from the Nature or Character of the Dealing may reasonably be inferred, that such Goods or Chattels may be afterwards redeemed or re-purchased on any Terms whatever.

Penalty on unlicensed Pawnbrokers recoverable by summary Information.

II. If any Person by or under this Act or the several Acts aforesaid or any of them declared or deemed to be a Person using and exercising the Trade or Business of a Pawnbroker shall neglect or omit to take out the proper Licence in that Behalf he shall forfeit the Sum of *Fifty Pounds*, which shall be recoverable by Information before any Justice of the Peace in the Name of an Officer of Inland Revenue prosecuting for the same on behalf of Her Majesty; and in every Information or other Proceeding for the Recovery of such Penalty it shall be a sufficient Description of the Offence to charge that the Defendant did use and exercise the Trade and Business of a Pawnbroker without taking out a proper Licence in that Behalf; and upon the Conviction of such Defendant the like Proceedings shall be had for the levying of the Penalty or for the recording of such Conviction, and for the Appeal of the Defendant if he shall feel himself aggrieved thereby, as are provided by Law, and may be adopted with regard to any Penalty incurred under the said Act of the Thirty-ninth and Fortieth Years of King George the Third:

Power to mitigate.

Provided always, that it shall be lawful for the Justice before whom any such Defendant shall be convicted to mitigate or lessen the said Penalty, if he shall think fit, to any Sum not less than One Fourth thereof.

Pawnbrokers.

A

BILL

To amend the Acts relating to Pawnbrokers.

(*Prepared and brought in by Mr John Ball, Mr. Wilson, and the Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,*
5 May 1856.

[Bill 129.]

Under 1 *oz.*

(Ireland.)

A

B I L L

INTITULED

An Act for the better Preservation of the Peace in Ireland.

WHEREAS it is expedient to make Provision for the better Preservation of the Peace in Ireland in certain Cases: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may be cited for all Purposes as "The Peace Preservation, Ireland, Act, 1856." Short Title.

II. The several Sections of the Act passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Two, (except the Preamble to the First Section, and except the Third, Fourth, Fifth, Sixth, Seventh, Eighth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-second, and Twenty-third Sections of said Act,) shall respectively henceforth continue and be in full Force and Operation as fully and effectually as if the same were severally repeated herein, save that the Punishment to which Parties are liable, on Conviction under the Ninth and Twelfth Sections of said Act respectively, shall Certain Sections of 11 & 12 Vict. c. 2. continued. Punishments reduced.

shall henceforth be reduced from Imprisonment for any Period not exceeding Two Years, with or without Hard Labour, to Imprisonment for any Period not exceeding One Year, and save also that Licences under this Act to have or carry Arms shall be in the Forms in the Schedules (A.) and (B.) to this Act annexed, or to the like Effect.

Proclamations, &c. to remain in force.

III. All Proclamations made and Notices given, and all Licences issued, under the said Statute Eleventh Victoria, Chapter Two, or any Act continuing the same, shall remain in force until revoked or altered under this Act.

Commencement of Act.

IV. This Act shall come into operation on the First Day of July in the Year of our Lord One thousand eight hundred and fifty-six, and continue in force until the First Day of July in the Year of our Lord One thousand eight hundred and sixty-one, and from thence until the End of the then next Session of Parliament.

SCHE-

SCHEDULES to which the foregoing Act refers.

A.

Form of Licence to have Arms, &c. in a Dwelling House only.

I [*A.B.*], having been duly appointed in that Behalf under "The Peace Preservation Act, 1856," do hereby grant to [*C.D.*] of [*here insert the Name, Description, and Place of Residence*] a Licence to have in his [*or* her] Dwelling House situate at , and not elsewhere [One Gun, *or other Arm or Arms, and Ammunition (as the Case may be)*].

Dated this Day of 185 .

Signed [*A.B.*]

B.

Form of Licence to carry and have Arms, &c. in Proclaimed District.

I [*A.B.*], having been duly appointed in that Behalf under "The Peace Preservation Act, 1856," do hereby grant to [*C.D.*] of [*here insert the Name, Description, and Place of Residence*], a Licence to carry and have One Gun [*or other Arm or Arms, or Ammunition, as the Case may be*] within the County [County of a City, County of a Town, Barony, Half Barony, *or other District, as the Case may be*] of

Dated this Day of 185 .

Signed [*A.B.*]

Peace Preservation (Ireland).

A

BILL

INTITULED

An Act for the better Preservation of the Peace in Ireland.

(*Brought from the Lords* 6 *June* 1856.)

Ordered, by The House of Commons, *to be Printed,* 6 *June* 1856.

[Bill 167.]

Undr 1 *oz.*

Police (Counties and Boroughs) Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 2 & 3 Vict. c. 93., 3 & 4 Vict. c. 88., 5 & 6 W. 4. c. 76.

Where a Constabulary is not already established for the whole of a County, Quarter Sessions to cause the same to be established; Sect. 1.

Her Majesty may, by Order in Council, require separate Police Districts to be constituted in Counties; 2.

Her Majesty in Council, on Representations from Boroughs, may arrange Terms of Consolidation with Counties; 3.

County Constables to have the like Powers, &c. in Boroughs as Borough Constables have in Counties; 4.

Constables to perform Duties connected with the Police as directed by the Justices or Watch Committee or by Regulations; 5.

Provisions of 2 & 3 Vict. c. 93. s. 3. as to Secretary of State's making Rules for Government, Pay, &c. of County Police extended to Borough Police; 6.

Borough Constables disqualified from voting at certain Elections; 7.

Chief Constable to make such Reports to Secretary of State as he may require; 8.

Power to grant Superannuations to Chief Constables; 9.

Her Majesty may appoint Inspectors for inquiring into Efficiency of Police, &c.; 10.

On Establishment of an efficient Police, One Fourth the Charge for Pay and Clothing to be paid by the Treasury; 11.

But no Payment to be made to the Police of Boroughs with a Population under 5,000 not consolidated with County Police; 12.

Agreements for Consolidation not to be determined without the Sanction of Secretary of State; 13.

3 & 4 Vict. c. 88. s. 24. repealed; 14.

Interpretation of Terms; 15.

Act to be construed with 2 & 3 Vict. c. 93. and 3 & 4 Vict. c. 88.;— 16.

Act not to extend to Metropolitan Police District or City of London; 17.

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Render more effectual the Police in Counties and Boroughs in England and Wales.

WHEREAS an Act was passed in the Session holden in the Second and Third Years of Her Majesty (Chapter Ninety-three), "for the Establishment of County and "District Constables by the Authority of Justices of the Peace," which Act was amended by an Act passed in the Session holden in the Third and Fourth Years of Her Majesty, Chapter Eighty-eight: And whereas a Police Force has been established under the Authority of the said Acts in several Counties and Parts of Counties in England and Wales: And whereas by the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth (Chapter Seventy-six), "to provide for the Regulation of "Municipal Corporations in England and Wales," Provision is made for the Appointment of Constables in all Boroughs in England and Wales which are subject to that Act: And whereas, under the said secondly-mentioned Act, Power is given to Justices of Counties and Councils of Boroughs to agree for the Consolidation of the County and Borough Police Establishments: And whereas, for the more effectual Prevention and Detection of Crime, Suppression of Vagrancy, Preamble. 2 & 3 Vict. c. 93. 3 & 4 Vict. c. 88. 5 & 6 W. 4. c. 76.

and Mainteuance of good Order, it is expedient that further Provision should be made for securing an efficient Police Force throughout England and Wales: Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Where a Constabulary is not already established for the whole of a County, Quarter Sessions to cause the same to be established.

I. In every County in which a Constabulary has not been already established for the whole of such County under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, or either of them, the Justices of such County at the General or Quarter Sessions holden next after the Day of One thousand eight hundred and fifty-six, shall proceed to establish a sufficient Police Force for the whole of such County, or where a Constabulary is already established in Part of such County, then for the Residue of such County, and for that Purpose shall declare the Number of Constables they propose should be appointed, and the Rates of Pay which it would be expedient to pay to the Chief and other Constables, and shall report such their Proceedings to One of Her Majesty's Principal Secretaries of State; and upon the Receipt from the Secretary of State of such Rules as are mentioned in Section Three of the said Act of the Second and Third Years of Her Majesty, the Justices of such County in General or Quarter Sessions assembled, or at any Adjournment thereof, shall proceed to appoint, subject to the Approval of the Secretary of State, a Chief Constable as directed by the said Act of the Second and Third Years of Her Majesty, and the Chief Constable shall forthwith appoint the other Constables to be appointed for such County, according to the Provisions of the said Acts of the Second and Third and Third and Fourth Years of Her Majesty; and the Clerk of the Peace shall give such Notice of the Business to be transacted under this Act at the said Court to be holden next after the said Day of as is required by Section Five of the said first-mentioned Act, whether the Requisition mentioned in such Section has or has not been made.

Her Majesty may, by Order in Council, require separate Police Districts to be constituted in Counties.

II. In case it be made to appear to Her Majesty in Council, upon the Representation of One of Her Majesty's Principal Secretaries of State, that a Distinction should be made in the Number of Constables to be appointed to keep the Peace in different Parts of the same County, it shall be lawful for Her Majesty, by the Advice of Her Privy Council, to order and require the Justices of such County to exercise the Powers given by the said Act of the Third and Fourth Years of Her Majesty, for the Division of such County into Police Districts; and the said Justices shall thereupon, in manner directed by such

such Act, and subject to such Approval as therein mentioned, divide such County into such Police Districts as shall appear to them most convenient, and declare the Number of Constables which ought to be appointed for each Police District; and the Extent of such Districts, and the Number of Constables appointed for each, may be altered as in the said Act provided; and the Expenses to be defrayed by each such Police District shall be ascertained in the Manner provided by the said last-mentioned Act, and the Police Rates assessed and levied therein accordingly.

Her Majesty in Council, on Representations from Boroughs, may arrange Terms of Consolidation with Counties.

III. In case it be represented to One of Her Majesty's Principal Secretaries of State by the Council of any Borough, that Application has been made to the Justices of any County in or adjoining to which such Borough is situate, to consolidate the Police of such County and Borough in the Manner provided by the Fourteenth Section of the Third and Fourth Years of Her Majesty, and that such Consolidation has not been effected, it shall be lawful for such Principal Secretary of State to inquire into the Terms of Consolidation proposed, and to report thereon to Her Majesty in Council; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to fix the Terms and Conditions and Date upon and from which such Consolidation shall take effect, and thereupon the Provisions of such last-mentioned Act shall become applicable as if such Consolidation had been effected by an Agreement made under the said Section, save so far as such Provisions relate to the Determination of such Agreement; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, at any Time and from Time to Time to vary the Terms of any such Consolidation, or at any Time to determine such Consolidation upon such Terms as to Her Majesty in Council may seem just.

County Constables to have the like Powers, &c. in Boroughs as Borough Constables have in the County.

IV. The Constables of every County appointed under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty or either of them, or this Act, shall have, in every Borough situate wholly or in part within such County or within *Seven* Miles of any Part of such County, all such Powers and Privileges, and be liable to all such Duties and Responsibilities as the Constables appointed for such Borough have and are liable to within such County, and shall obey all such lawful Commands as they may from Time to Time receive from any of the Justices of the Peace having Jurisdiction within any such Borough in which they shall be called on to act as Constables for conducting themselves in the Execution of their Office.

Constables to perform Duties connected with the Police as directed by the Justices or Watch Committee or by Regulations.

V. The Constables acting under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, the Fifth and Sixth Years of King William the Fourth, and this Act, or any of the said Acts, shall, in addition to their ordinary Duties, perform all such Duties connected with the Police in their respective Counties or Boroughs as the Justices in General or Quarter Sessions assembled, or Watch Committees of such respective Counties or Boroughs, from Time to Time direct and require, or as are from Time to Time, by any Regulations made under this Act by the Secretary of State, declared to be Police Duties to be performed by such Constables; and it shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to make such general Regulations with respect to the Duties of Constables appointed under the said Acts or any of them, or this Act, as he may see fit.

Provisions of 2 & 3 Vict. c. 93. s. 3. as to Secretary of State's making Rules for Government, Pay, &c. of County Police, extended to Borough Police.

VI. Section Three of the said Act of the Second and Third Years of Her Majesty shall extend to authorize One of the said Secretaries of State from Time to Time to make Rules for the Government, Pay, Clothing, Accoutrements, and Necessaries of Constables appointed for any Borough under the said Act of the Fifth and Sixth Years of King William the Fourth as he is by the said Section authorized to do with respect to Constables of Counties: Provided always, that the Rules so made shall in the Case of Boroughs be sent to the Town Clerks thereof, and not to the Clerks of the Peace, and that the said Rules may be amended or added to so as to be applicable to the special Circumstances of any Borough, upon the Representation of the Council or Watch Committee of such Borough setting forth special Reasons for such Amendment or Addition, as by the said Act provided in the Case of a like Representation from the Justices of a County, and the said Section shall, save as herein specially provided, extend to all Rules to be made as aforesaid in reference to Constables of Boroughs.

Borough Constables disqualified from voting at certain Elections.

VII. No Chief, Head, or other Constable already appointed or hereafter to be appointed for any Borough shall, during the Time he continues to be such Constable, or within *Six* Calendar Months after he has ceased to be such Constable, be capable of giving his Vote for the Election of a Member to serve in Parliament for such Borough or any County in or to which such Borough is situate, either wholly or in part, or adjoins, or for any Borough within any such County, nor shall any such Constable, by Word, Message, Writing, or in any other Manner, endeavour to persuade any Elector to give or dissuade any Elector from giving his Vote for the Choice of any Person to be a Member to serve in Parliament for any such Borough or County; and if any such Constable shall offend therein he shall forfeit the Sum of

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Twenty Pounds, to be recovered in any Court of competent Jurisdiction, by any Person who shall sue for the same within *Six* Months after the Commission of the Offence, and *One Half* of the Sum recovered shall be paid to the Person suing for the same, and the *other Half* to the Treasurer of the Borough: Provided always, that nothing herein contained shall subject any Constable to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his Duty.

Chief Constable to make such Reports to Secretary of State as he may require.

VIII. The Chief Constable of every County and the Head Constable of every Borough shall make all such general and special Reports and Returns, and furnish all such Information respecting the Police under his Orders, as may from Time to Time be required by One of Her Majesty's Principal Secretaries of State.

Power to grant Superannuations to Chief Constables.

IX. It shall be lawful for the Justices of any County in General or Quarter Sessions assembled, if they see fit, to grant to any Chief Constable of the County, on his ceasing to be such Chief Constable, such annual Sum by way of Superannuation Allowance as they think fit; and such Superannuation Allowance shall be paid out of the Police Rate of the County, and shall, in the Case of a County which is divided into Police Districts, be deemed Part of the general Expenditure, and be defrayed accordingly; provided always, that no such Allowance shall be granted to any Chief Constable under *Sixty* Years of Age, unless the said Justices be satisfied that he is incapable from Infirmity of Mind or Body to discharge the Duties of his Office; and Section Eleven of the said secondly-recited Act, as to the proportionate Amount of the Superannuation Allowance of any Petty Constable, shall apply to the Superannuation Allowance to be granted to any Chief Constable.

Her Majesty may appoint Inspectors for inquiring into Efficiency of Police, &c.

X. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint during Her Majesty's Pleasure Three Persons as Inspectors under this Act, to visit and inquire into the State and Efficiency of the Police appointed for every County and Borough, and whether the Provisions of the Acts under which such Police are appointed, and the Rules for their Government made by One of Her Majesty's Principal Secretaries of State, are duly observed and carried into effect, and also into the State of the Police Stations, Charge Rooms, Cells, or Lock-ups, or other Premises occupied for the Use of such Police; and each of the Inspectors so appointed shall report upon all such Matters to One of Her Majesty's Principal Secretaries of State, who shall cause such Reports to be laid before Parliament; and such Inspectors shall be paid, out of such Money as may be provided by Parliament for the Purpose, such

Salaries and Allowances as shall be determined by the Commissioners of Her Majesty's Treasury.

On Establishment of an efficient Police, One Fourth the Charge for Pay and Clothing to be paid by the Treasury.

XI. Upon the Certificate of One of Her Majesty's Principal Secretaries of State, that the Police of any County or Borough established under the Provisions of the said Acts and this Act, or any of them, has been maintained in a State of Efficiency in point of Numbers and Discipline for the Year then last past, and that the Rules and Regulations made for the Government thereof by One of Her Majesty's Principal Secretaries of State have been duly observed, it shall be lawful for the Commissioners of Her Majesty's Treasury to pay from Time to Time, out of the Monies provided by Parliament for the Purpose, such Sum towards the Expenses of such Police as shall not exceed *One Fourth* of the Charge for their Pay and Clothing, certified as aforesaid; but such Payment shall not extend to any additional Constables appointed under the Nineteenth Section of the said Act of the Third and Fourth Years of Her Majesty.

But no Payment to be made to the Police of Boroughs with a Population under 5,000 not consolidated with County Police.

XII. Provided always, That no such Sum as aforesaid shall be paid towards the Pay and Clothing of the Police of any Borough, not being consolidated with the Police of a County under the said Act of the Third and Fourth Years of Her Majesty, or this Act, the Population of which Borough according to the last Parliamentary Enumeration for the Time being does not exceed *Five thousand.*

Agreements for Consolidation not to be determined without the Sanction of Secretary of State.

XIII. No Agreement made under Section Fourteen of the said Act of the Third and Fourth Years of Her Majesty shall be put an end to without the Sanction of One of Her Majesty's Principal Secretaries of State.

3 & 4 Vict. c. 88. s. 24. repealed.

XIV. Section Twenty-four of the said Act of the Third and Fourth Years of Her Majesty shall be repealed.

Interpretation of Terms.

XV. The Word "County" shall in this Act have the same Meaning as is assigned to such Word in the said Act of the Third and Fourth Years of Her Majesty; and the Word "Borough" shall mean any City, Borough, or Town Corporate, or Place incorporated under the Provisions of the said Act of the Fifth and Sixth Years of King William the Fourth, or which has otherwise become subject to the Provisions of the same Act.

Act to be construed with 2 & 3 Vict. c. 93. and

XVI. Nothing in this Act shall affect the Power of Justices under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty to appoint Two Chief Constables for a County,

County, or to appoint the same Chief Constable for Two or more adjoining Counties or Parts of Counties, or to increase or diminish, with such Consent as is in this Behalf required, the Number of Constables appointed for any County, or to divide any County into Police Districts, or any other Powers not inconsistent with this Act in the said Acts contained; and such Acts and this Act shall be construed together as One Act. 3 & 4 Vict. c. 88.

XVII. Nothing in this Act shall extend to any Part of the Metropolitan Police District or to the City of London. Act not to extend to Metropolitan Police District or City of London.

Police (Counties and Boroughs).

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B I L L

To render more effectual the Police in Counties and Boroughs in England and Wales.

(*Prepared and brought in by Sir George Grey, Viscount Palmerston, and Mr. Massey.*)

Ordered, by The House of Commons, *to be Printed, 5 February* 1856.

[Bill 18.]

Under 2 oz.

Police (Counties and Boroughs) Bill.

[AS AMENDED IN COMMITTEE].

ARRANGEMENT OF CLAUSES.

Preamble recites 2 & 3 Vict. c. 93., 3 & 4 Vict. c. 88., 5 & 6 W. 4. c. 76.

Where a Constabulary is not already established for the whole of a County, Quarter Sessions to cause the same to be established; Sect. 1.

Her Majesty may, by Order in Council, require separate Police Districts to be constituted in Counties; 2.

Her Majesty in Council, on Representations from Boroughs, may arrange Terms of Consolidation with Counties; 3.

County Constables to have the like Powers, &c. in Boroughs as Borough Constables have in Counties; 4.

Constables to perform Duties connected with the Police as directed by the Justices or Watch Committee; 5.

Constables not to receive Fees; 6.

Borough Constables disqualified from voting at certain Elections; 7.

Power to grant Superannuations to Chief Constables; 8.

Annual Statement as to Crime in Counties and Boroughs to be furnished to Secretary of State; 9.

Her Majesty may appoint Inspectors for inquiring into Efficiency of Police, &c.; 10.

On Establishment of an efficient Police, One Fourth the Charge for Pay and Clothing to be paid by the Treasury; 11.

But no Payment to be made to the Police of Boroughs with a Population under 5,000 not consolidated with County Police; 12.

Agreements for Consolidation not to be determined without the Sanction of Secretary of State; 13.

3 & 4 Vict. c. 88. s. 24. repealed; 14.

Interpretation of Terms; 15.

Act to be construed with 2 & 3 Vict. c. 93. and 3 & 4 Vict. c. 88.;—16.

Act not to extend to Metropolitan Police District or City of London; 17.

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BILL

[AS AMENDED IN COMMITTEE]

TO

Render more effectual the Police in Counties and Boroughs in England and Wales.

[Note.—*The Clauses marked* A. *and* B. *were added in Committee.*]

WHEREAS an Act was passed in the Session holden in the Second and Third Years of Her Majesty (Chapter Ninety-three), "for the Establishment of County and "District Constables by the Authority of Justices of the Peace," which Act was amended by an Act passed in the Session holden in the Third and Fourth Years of Her Majesty, Chapter Eighty-eight: And whereas a Police Force has been established under the Authority of the said Acts in several Counties and Parts of Counties in England and Wales: And whereas by the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth (Chapter Seventy-six), "to provide for the Regulation of "Municipal Corporations in England and Wales," Provision is made for the Appointment of Constables in all Boroughs in England and Wales which are subject to that Act: And whereas, under the said secondly-mentioned Act, Power is given to Justices of Counties and Councils of Boroughs to agree for the Consolidation of the County and Borough Police Establishments: And whereas, for the more effectual Prevention and Detection of Crime, Suppression of Vagrancy, Preamble. 2 & 3 Vict. c. 93. 3 & 4 Vict. c. 88. 5 & 6 W. 4. c. 76.

and Mainteuance of good Order, it is expedient that further Provision should be made for securing an efficient Police Force throughout England and Wales: Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Where a Constabulary is not already established for the whole of a County, Quarter Sessions to cause the same to be established.

I. In every County in which a Constabulary has not been already established for the whole of such County under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, or either of them, the Justices of such County at the General or Quarter Sessions holden next after the Day of One thousand eight hundred and fifty-six, shall proceed to establish a sufficient Police Force for the whole of such County, or where a Constabulary is already established in Part of such County, then for the Residue of such County, and for that Purpose shall declare the Number of Constables they propose should be appointed, and the Rates of Pay which it would be expedient to pay to the Chief and other Constables, and shall report such their Proceedings to One of Her Majesty's Principal Secretaries of State; and upon the Receipt from the Secretary of State of such Rules as are mentioned in Section Three of the said Act of the Second and Third Years of Her Majesty, all the Provisions of the said Acts of the Second and Third and Third and Fourth Years of Her Majesty shall take effect and be applicable in relation to such County, in like Manner as by the said Acts provided, upon the Adoption of such Acts for any County by the Justices thereof, and the Receipt of such Rules as aforesaid from the Secretary of State, subject, nevertheless, to the Amendments contained in this Act.

Her Majesty may, by Order in Council, require separate Police Districts to be constituted in Counties.

II. In case it be made to appear to Her Majesty in Council, upon the Representation of One of Her Majesty's Principal Secretaries of State, that a Distinction should be made in the Number of Constables to be appointed to keep the Peace in different Parts of the same County, it shall be lawful for Her Majesty, by the Advice of Her Privy Council, to order and require the Justices of such County to exercise the Powers given by the said Act of the Third and Fourth Years of Her Majesty, for the Division of such County into Police Districts; and the said Justices shall thereupon, in manner directed by such Act, and subject to such Approval as therein mentioned, divide such County into such Police Districts as shall appear to them most convenient, and declare the Number of Constables which ought to be appointed for each Police District; and the Extent of such Districts, and the Number of Constables appointed for each, may be altered

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as in the said Act provided; and the Expenses to be defrayed by each such Police District shall be ascertained in the Manner provided by the said last-mentioned Act, and the Police Rates assessed and levied therein accordingly.

Her Majesty in Council, on Representations from Boroughs, may arrange Terms of Consolidation with Counties.

III. In case it be represented to One of Her Majesty's Principal Secretaries of State by the Council of any Borough, that Application has been made to the Justices of any County in or adjoining to which such Borough is situate, to consolidate the Police of such County and Borough in the Manner provided by the Fourteenth Section of the Third and Fourth Years of Her Majesty, and that such Consolidation has not been effected, it shall be lawful for such Principal Secretary of State to inquire into the Terms of Consolidation proposed, and to report thereon to Her Majesty in Council; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to fix the Terms and Conditions and Date upon and from which such Consolidation shall take effect, and thereupon the Provisions of such last-mentioned Act shall become applicable as if such Consolidation had been effected by an Agreement made under the said Section, save so far as such Provisions relate to the Determination of such Agreement; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, at any Time and from Time to Time to vary the Terms of any such Consolidation, or at any Time to determine such Consolidation upon such Terms as to Her Majesty in Council may seem just.

County Constables to have the like Powers, &c. in Boroughs as Borough Constables have in the County.

IV. The Constables of every County appointed under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty or either of them, or this Act, shall have, in every Borough situate wholly or in part within such County, or within any County or Part of a County in which they have Authority, all such Powers and Privileges and be liable to all such Duties and Responsibilities as the Constables appointed for such Borough have and are liable to within any such County, and shall obey all such lawful Commands as they may from Time to Time receive from any of the Justices of the Peace having Jurisdiction within any such Borough in which they shall be called on to act as Constables, for conducting themselves in the Execution of their Office.

Constables to perform Duties connected with the Police as directed by the Justices or Watch Committee.

V. The Constables acting under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, the Fifth and Sixth Years of King William the Fourth, and this Act, or any of the said Acts, shall, in addition to their ordinary Duties, perform all such Duties connected with the Police in their respective Counties or Boroughs as the Justices in General or Quarter Sessions assembled, or

or the Watch Committees of such respective Counties or Boroughs, from Time to Time direct and require.

CLAUSE A. Constables not to receive Fees.

VI. It shall not be lawful for any Constable acting under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, and the Fifth and Sixth Years of King William the Fourth, and this Act, or any of the said Acts, (other than a local Constable appointed under the said Act of the Third and Fourth Years of Her Majesty,) to receive to his own Use any Fee for the Performance of any Act done by him in the Execution of his Duty as such Constable; but this Enactment shall not extend to prevent the Receipt by any such Constable of any Fee or other Payment legally payable which he may be liable to account for and pay over to the Treasurer of the County or Borough, or otherwise for the Use of the County or Borough.

Borough Constables disqualified from voting at certain Elections.

VII. No Chief, Head, or other Constable already appointed or hereafter to be appointed for any Borough shall, during the Time he continues to be such Constable, or within Six Calendar Months after he has ceased to be such Constable, be capable of giving his Vote for the Election of a Member to serve in Parliament for such Borough or any County in or to which such Borough is situate, either wholly or in part, or adjoins, or for any Borough within any such County, nor shall any such Constable, by Word, Message, Writing, or in any other Manner, endeavour to persuade any Elector to give or dissuade any Elector from giving his Vote for the Choice of any Person to be a Member to serve in Parliament for any such Borough or County; and if any such Constable shall offend therein he shall forfeit the Sum of Twenty Pounds, to be recovered in any Court of competent Jurisdiction, by any Person who shall sue for the same within Six Months after the Commission of the Offence, and One Half of the Sum recovered shall be paid to the Person suing for the same, and the other Half to the Treasurer of the Borough: Provided always, that nothing herein contained shall subject any Constable to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his Duty.

Power to grant Superannuations to Chief Constables.

VIII. It shall be lawful for the Justices of any County in General or Quarter Sessions assembled, if they see fit, to grant to any Chief Constable of the County, on his ceasing to be such Chief Constable, such annual Sum by way of Superannuation Allowance as they think fit; and such Superannuation Allowance shall be paid out of the Police Rate of the County, and shall, in the Case of a County which is divided into Police Districts, be deemed Part of the general Expenditure, and be defrayed accordingly; provided always, that no such Allowance

Allowance shall be granted to any Chief Constable under Sixty Years of Age, unless the said Justices be satisfied that he is incapable from Infirmity of Mind or Body to discharge the Duties of his Office; and Section Eleven of the said secondly-recited Act, as to the proportionate Amount of the Superannuation Allowance of any Petty Constable, shall apply to the Superannuation Allowance to be granted to any Chief Constable.

CLAUSE B. Annual Statement as to Crime in Counties and Boroughs to be furnished to Secretary of State.

IX. The Chief Constable of every County and the Watch Committee of every Borough shall, in the Month of January in every Year, transmit to One of Her Majesty's Principal Secretaries of State a Statement for the Year ending the Thirty-first Day of December then last of the Number of Offences reported to the Police within such County or Borough respectively, the Number of Persons apprehended by the Police, the Nature of the Charges against them, the Result of the Proceedings taken thereupon, and any other Particulars relating to the State of Crime within such County or Borough which such Chief Constable or Watch Committee may think it material to furnish.

Her Majesty may appoint Inspectors for inquiring into Efficiency of Police, &c.

X. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint during Her Majesty's Pleasure Three Persons as Inspectors under this Act, to visit and inquire into the State and Efficiency of the Police appointed for every County and Borough, and whether the Provisions of the Acts under which such Police are appointed, and the Rules for their Government made by One of Her Majesty's Principal Secretaries of State, are duly observed and carried into effect, and also into the State of the Police Stations, Charge Rooms, Cells, or Lock-ups, or other Premises occupied for the Use of such Police; and each of the Inspectors so appointed shall report upon all such Matters to One of Her Majesty's Principal Secretaries of State, who shall cause such Reports to be laid before Parliament; and such Inspectors shall be paid, out of such Money as may be provided by Parliament for the Purpose, such Salaries and Allowances as shall be determined by the Commissioners of Her Majesty's Treasury.

On Establishment of an efficient Police, One Fourth the Charge for Pay and Clothing to be paid by the Treasury.

XI. Upon the Certificate of One of Her Majesty's Principal Secretaries of State, that the Police of any County or Borough established under the Provisions of the said Acts and this Act, or any of them, has been maintained in a State of Efficiency in point of Numbers and Discipline for the Year then last past, and that the Rules and Regulations made for the Government thereof by One of Her Majesty's Principal Secretaries of State have been duly observed, it shall be lawful for the Commissioners of Her Majesty's

Treasury to pay from Time to Time, out of the Monies provided by Parliament for the Purpose, such Sum towards the Expenses of such Police as shall not exceed One Fourth of the Charge for their Pay and Clothing, certified as aforesaid; but such Payment shall not extend to any additional Constables appointed under the Nineteenth Section of the said Act of the Third and Fourth Years of Her Majesty.

But no Payment to be made to the Police of Boroughs with a Population under 5,000 not consolidated with County Police.

XII. Provided always, That no such Sum as aforesaid shall be paid towards the Pay and Clothing of the Police of any Borough, not being consolidated with the Police of a County under the said Act of the Third and Fourth Years of Her Majesty, or this Act, the Population of which Borough according to the last Parliamentary Enumeration for the Time being does not exceed Five thousand.

Agreements for Consolidation not to be determined without the Sanction of Secretary of State.

XIII. No Agreement made under Section Fourteen of the said Act of the Third and Fourth Years of Her Majesty shall be put an end to without the Sanction of One of Her Majesty's Principal Secretaries of State.

3 & 4 Vict. c. 88. s. 24. repealed.

XIV. Section Twenty-four of the said Act of the Third and Fourth Years of Her Majesty shall be repealed.

Interpretation of Terms.

XV. The Word "County" shall in this Act have the same Meaning as is assigned to such Word in the said Act of the Third and Fourth Years of Her Majesty; and the Word "Borough" shall mean any City, Borough, or Town Corporate, or Place incorporated under the Provisions of the said Act of the Fifth and Sixth Years of King William the Fourth, or which has otherwise become subject to the Provisions of the same Act.

Act to be construed with 2 & 3 Vict. c. 93. and 3 & 4 Vict. c. 88.

XVI. Nothing in this Act shall affect the Power of Justices under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty to appoint Two Chief Constables for a County, or to appoint the same Chief Constable for Two or more adjoining Counties or Parts of Counties, or to increase or diminish, with such Consent as is in this Behalf required, the Number of Constables appointed for any County, or to divide any County into Police Districts, or any other Powers not inconsistent with this Act in the said Acts contained; and such Acts and this Act shall be construed together as One Act.

Act not to extend to Metropolitan Police District or City of London.

XVII. Nothing in this Act shall extend to any Part of the Metropolitan Police District or to the City of London.

Police (Counties and Boroughs).

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BILL

[AS AMENDED IN COMMITTEE]

To render more effectual the Police in Counties and Boroughs in England and Wales.

(*Prepared and brought in by Sir George Grey, Viscount Palmerston, and Mr. Massey.*)

Ordered, by The House of Commons, *to be Printed,* 14 *March* 1856.

[Bill 71.]

Under 2 oz.

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B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON CONSIDERATION OF BILL AS AMENDED]

TO

Render more effectual the Police in Counties and Boroughs in England and Wales.

[Note.—*The Clauses marked* A. *and* B. *were added in Committee, the Clauses marked* C. *to* L. *on Re-commitment, and the Clauses marked* M. *and* N. *on Consideration of Bill as amended.*]

WHEREAS an Act was passed in the Session holden in the Second and Third Years of Her Majesty (Chapter Ninety-three), "for the Establishment of County and "District Constables by the Authority of Justices of the Peace," which Act was amended by an Act passed in the Session holden in the Third and Fourth Years of Her Majesty, Chapter Eighty-eight: And whereas a Police Force has been established under the Authority of the said Acts in several Counties and Parts of Counties in England and Wales: And whereas by the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth (Chapter Seventy-six), "to provide for the Regulation of "Municipal Corporations in England and Wales," Provision is made for the Appointment of Constables in all Boroughs in England and Wales which are subject to that Act: And whereas, under the said secondly-mentioned Act, Power is given to Justices of Counties and Councils of Boroughs to agree for the Consolidation of the County and Borough Police Establishments: And whereas, for the more effectual Prevention and Detection of Crime, Suppression of Vagrancy, Preamble. 2 & 3 Vict. c. 93. 3 & 4 Vict. c. 88. 5 & 6 W. 4. c. 76.

and Maintenance of good Order, it is expedient that further Provision should be made for securing an efficient Police Force throughout England and Wales: Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Where a Constabulary is not already established for the whole of a County, Quarter Sessions to cause the same to be established.

I. In every County in which a Constabulary has not been already established for the whole of such County under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, or either of them, the Justices of such County at the General or Quarter Sessions holden next after the First Day of December One thousand eight hundred and fifty-six, shall proceed to establish a sufficient Police Force for the whole of such County, or where a Constabulary is already established in Part of such County, then for the Residue of such County, and for that Purpose shall declare the Number of Constables they propose should be appointed, and the Rates of Pay which it would be expedient to pay to the Chief and other Constables, and shall report such their Proceedings to One of Her Majesty's Principal Secretaries of State; and upon the Receipt from the Secretary of State of such Rules as are mentioned in Section Three of the said Act of the Second and Third Years of Her Majesty, all the Provisions of the said Acts of the Second and Third and Third and Fourth Years of Her Majesty shall take effect and be applicable in relation to such County, in like Manner as by the said Acts provided, upon the Adoption of such Acts for any County by the Justices thereof, and the Receipt of such Rules as aforesaid from the Secretary of State, subject, nevertheless, to the Amendments contained in this Act.

Her Majesty may, by Order in Council, require separate Police Districts to be constituted in Counties.

II. In case it appear to Her Majesty in Council, upon the Petition of Persons contributing, or who, on the Establishment of a Constabulary under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, or this Act, will be liable to contribute, to the Police Rate of any County, that a Distinction should be made in the Number of Constables to be appointed to keep the Peace in different Parts of such County, it shall be lawful for Her Majesty, by the Advice of Her Privy Council, to order and require the Justices of such County to exercise the Powers given by the said Act of the Third and Fourth Years of Her Majesty, for the Division of such County into Police Districts; and the said Justices shall thereupon, in manner directed by such Act, and subject to such Approval as therein mentioned, divide such County into such Police Districts as shall appear to them most convenient, and declare the Number

Number of Constables which ought to be appointed for each Police District; and the Extent of such Districts, and the Number of Constables appointed for each, may be altered as in the said Act provided; and the Expenses to be defrayed by each such Police District shall be ascertained in the Manner provided by the said last-mentioned Act, and the Police Rates assessed and levied therein accordingly: Provided, that Notice of every such Petition, and of the Time when it shall please Her Majesty to order that the same be taken into consideration by Her Privy Council, shall be published in the London Gazette One Month at least before such Petition shall be considered.

Her Majesty in Council, on Representations from Boroughs, may arrange Terms of Consolidation with Counties.

III. In case it be represented to One of Her Majesty's Principal Secretaries of State by the Council of any Borough, that Application has been made by such Council to the Justices of any County in or adjoining to which such Borough is situate, to consolidate the Police of such County and Borough in the Manner provided by the Fourteenth Section of the said Act of the Third and Fourth Years of Her Majesty, and that such Consolidation has not been effected, it shall be lawful for such Principal Secretary of State to inquire into the Terms of Consolidation proposed, and to report thereon to Her Majesty in Council; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to fix the Terms and Conditions and Date upon and from which such Consolidation shall take effect, and thereupon the Provisions of such last-mentioned Act shall become applicable as if such Consolidation had been effected by an Agreement made under the said Section, save so far as such Provisions relate to the Determination of such Agreement; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, at any Time and from Time to Time to vary the Terms of any such Consolidation, or at any Time to determine such Consolidation upon such Terms as to Her Majesty in Council may seem just.

County Constables to have the like Powers, &c. in Boroughs as Borough Constables have in the County.

IV. The Constables of every County appointed under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty or either of them, or this Act, shall have, in every Borough situate wholly or in part within such County, or within any County or Part of a County in which they have Authority, all such Powers and Privileges and be liable to all such Duties and Responsibilities as the Constables appointed for such Borough have and are liable to within any such County, and shall obey all such lawful Commands as they may from Time to Time receive from any of the Justices of the Peace having Jurisdiction within any such Borough in which they shall be called on to act as Constables, for conducting themselves in the Execution of their Office.

Constables to perform Duties connected with the Police as directed by the Justices or Watch Committee.

V. The Constables acting under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, the Fifth and Sixth Years of King William the Fourth, and this Act, or any of the said Acts, shall, in addition to their ordinary Duties, perform all such Duties connected with the Police in their respective Counties or Boroughs as the Justices in General or Quarter Sessions assembled, or the Watch Committees of such respective Counties or Boroughs, from Time to Time direct and require.

Clause A. Constables not to receive Fees.

VI. It shall not be lawful for any Constable acting under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, and the Fifth and Sixth Years of King William the Fourth, and this Act, or any of the said Acts, (other than a local Constable appointed under the said Act of the Third and Fourth Years of Her Majesty,) to receive to his own Use any Fee for the Performance of any Act done by him in the Execution of his Duty as such Constable; but this Enactment shall not extend to prevent the Receipt by any such Constable of any Fee or other Payment legally payable which he may be liable to account for and pay over to the Treasurer of the County or Borough, or otherwise for the Use of the County or Borough, or which may be payable to, or applied in aid of, any Police Superannuation Fund established or to be established in any Borough, under the Provisions of the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Fourteen.

Borough Constables disqualified from voting at certain Elections.

VII. No Head, or other Constable already appointed or hereafter to be appointed for any Borough, under the said Act of the Fifth and Sixth Years of King William the Fourth, except Special Constables shall, during the Time he continues to be such Constable, or within Six Calendar Months after he has ceased to be such Constable, be capable of giving his Vote for the Election of any Person to any Municipal Office in such Borough, or for the Election of a Member to serve in Parliament for such Borough or any County in or to which such Borough is situate, either wholly or in part, or adjoins, or for any Borough within any such County, nor shall any such Constable, by Word, Message, Writing, or in any other Manner, endeavour to persuade any Elector to give or dissuade any Elector from giving his Vote for the Choice of any Person to hold any Municipal Office in such Borough, or to be a Member to serve in Parliament for any such Borough or County; and if any such Constable shall offend therein he shall forfeit the Sum of Ten Pounds, to be recovered in any Court of competent Jurisdiction, by any Person who shall sue for the same within Six Months after the Commission of the Offence, and One Half of the Sum recovered shall be paid to the Person suing for the same, and the other Half to the

the Treasurer of the Borough: Provided always, that nothing herein contained shall subject any Constable to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his Duty.

CLAUSE C. Retiring Gratuities may be granted to incapacited Constables who have not served Fifteen Years.

VIII. It shall be lawful for the Justices of any County in General or Quarter Sessions assembled, if they think fit, upon the Recommendation of the Chief Constable, and upon his certifying that any Constable belonging to the Police Force of the County, who has not served so long as Fifteen Years, is incapable from Infirmity of Mind or Body to discharge the Duties of his Office, to order that such Constable shall receive out of the Superannuation Fund mentioned in the said Act of the Third and Fourth Years of Her Majesty such Sum in gross as a Gratuity upon his Retirement as to the said Justices may seem proper.

CLAUSE D. Deficiency in Superannuation Fund to be made up out of Police Rate.

IX. If at any Time the Superannuation Fund mentioned in the said Act of the Third and Fourth Years of Her Majesty be insufficient (otherwise than by reason of any Default of any Treasurer or other Person entrusted with the Custody or Management thereof) to pay the Superannuation or Retiring Allowances and Gratuities payable thereout, the Amount which such Fund shall from Time to Time be insufficient to pay shall be defrayed by the Police Rate, and, where the County is divided into Police Districts, shall be defrayed by the several Districts as Parts of the local Expenditure thereof, rateably in Proportion to the Number of Constables appointed for each such District respectively.

CLAUSE E. Gratuities may be granted to Officers superseded by the County Police.

X. It shall be lawful for the Magistrates in General or Quarter Sessions assembled, if they so think fit, to grant Gratuities to such Officers as may be removed from their Appointments in consequence of the Duties of such Officers being transferred to Persons belonging to the Police Establishment.

Power to grant Superannuations to Chief Constables.

XI. It shall be lawful for the Justices of any County in General or Quarter Sessions assembled, if they see fit, to grant to any Chief Constable of the County, on his ceasing to be such Chief Constable, such annual Sum by way of Superannuation Allowance as they think fit; and such Superannuation Allowance shall be paid out of the Police Rate of the County, and shall, in the Case of a County which is divided into Police Districts, be deemed Part of the general Expenditure, and be defrayed accordingly; provided always, that no such Allowance shall be granted to any Chief Constable under Sixty Years of Age, unless the said Justices be satisfied that he is incapable

from Infirmity of Mind or Body to discharge the Duties of his Office; and Section Eleven of the said secondly-recited Act, as to the proportionate Amount of the Superannuation Allowance of any Petty Constable, shall apply to the Superannuation Allowance to be granted to any Chief Constable.

CLAUSE B. Annual Statement as to Crime in Counties and Boroughs to be furnished to Secretary of State.

XII. The Justices of every County and the Watch Committee of every Borough shall, in the Month of October in every Year, transmit to One of Her Majesty's Principal Secretaries of State a Statement, in such Form as One of the said Secretaries of State may from Time to Time direct, for the Year ending the Twenty-ninth Day of September then last of the Number of Offences reported to the Police within such County or Borough respectively, the Number of Persons apprehended by the Police, the Nature of the Charges against them, the Result of the Proceedings taken thereupon, and any other Particulars relating to the State of Crime within such County or Borough which such Justices or Watch Committee may think it material to furnish, and all such Reports and Returns shall be annually laid before Parliament.

Her Majesty may appoint Inspectors for inquiring into Efficiency of Police, &c.

XIII. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint during Her Majesty's Pleasure Three Persons as Inspectors under this Act, to visit and inquire into the State and Efficiency of the Police appointed for every County and Borough, and whether the Provisions of the Acts under which such Police are appointed are duly observed and carried into effect, and also into the State of the Police Stations, Charge Rooms, Cells, or Lock-ups, or other Premises occupied for the Use of such Police; and each of the Inspectors so appointed shall report upon all such Matters to One of Her Majesty's Principal Secretaries of State, who shall cause such Reports to be laid before Parliament; and such Inspectors shall be paid, out of such Money as may be provided by Parliament for the Purpose, such Salaries and Allowances as shall be determined by the Commissioners of Her Majesty's Treasury.

On Establishment of an efficient Police, One Fourth the Charge for Pay and Clothing to be paid by the Treasury.

XIV. Upon the Certificate of One of Her Majesty's Principal Secretaries of State, that the Police of any County or Borough established under the Provisions of the said Acts and this Act, or any of them, has been maintained in a State of Efficiency in point of Numbers and Discipline for the Year ending on the Twenty-ninth of September then last past, it shall be lawful for the Commissioners of Her Majesty's Treasury to pay from Time to Time, out of the Monies provided by Parliament for the Purpose, such Sum towards the Expenses of such Police for the Year mentioned in such Certificate

Certificate as shall not exceed One Fourth of the Charge for their Pay and Clothing, but such Payment shall not extend to any additional Constables appointed under the Nineteenth Section of the said Act of the Third and Fourth Years of Her Majesty; provided that before any such Certificate shall be finally withheld in respect of the Police of any County or Borough, the Report of the Inspector relating to the Police of such County or Borough shall be sent to the Justices of such County, or to the Watch Committee of such Borough, who may address any Statement relating thereto to the Secretary of State; and in every Case in which such Certificate is withheld, a Statement of the Grounds on which the Secretary of State has withheld such Certificate, together with any such Statement of the Justices or Watch Committee as aforesaid, shall be laid before Parliament.

But no Payment to be made to the Police of the Boroughs with a Population under 5,000 not consolidated with County Police.

XV. No such Sum as aforesaid shall be paid towards the Pay and Clothing of the Police of any Borough, not being consolidated with the Police of a County under the said Act of the Third and Fourth Years of Her Majesty, or this Act, the Population of which Borough according to the last Parliamentary Enumeration for the Time being does not exceed Five thousand.

CLAUSE M.
Provisions relating to Borough Police to be applicable to the Police in the Places referred to in the Act 3 & 4 Vict. c. 88. s. 20. until discontinued.

XVI. Until the Constables or Watchmen appointed in and for any Parish, Town, or Place under the Act passed in the Session holden in the Third and Fourth Years of King William the Fourth, Chapter Ninety, or under any Local Act authorizing the Appointment of Constables or Watchmen, and authorizing Rates to be made and levied for the Purpose of defraying the Expenses of such Constables or Watchmen, are discontinued as a separate Force in manner provided by Section Twenty of the said Act of the Third and Fourth Years of Her Majesty and by this Act, all the Provisions of this Act applicable to the Constables of any Borough acting under the said Act of the Fifth and Sixth Years of King William the Fourth shall be applicable to the Constables or Watchmen appointed under the said Act of the Third and Fourth Years of King William the Fourth, or under such Local Act as aforesaid, in and for such Parish, Town, or Place, and until such Discontinuance all the Provisions of this Act applicable to the Watch Committee of a Borough shall be applicable to the Inspectors, Commissioners, or other Persons having the Appointment of Constables or Watchmen in and for such Parish, Town, or Place, and the Police of such Parish, Town, or Place shall be visited and inquired into by the Inspectors under this Act; and the Provision in this Act enabling the Commissioners of Her Majesty's Treasury to make Payment towards the Expenses of the Police of a Borough having a Population exceeding Five thousand, shall, until

such Discontinuance, extend to the Police of such Parish, Town, or Place as aforesaid having the like Population.

CLAUSE N. The separate Police in such Places (having a Population of 15,000) not to be superseded without the Authority of the Secretary of State.

XVII. Provided, That where any such Parish, Town, or Place, having such Constables or Watchmen as aforesaid, contains, according to the last Parliamentary Enumeration, a Population of Fifteen thousand Persons or upwards, the Chief Constable of the County in which such Parish, Town, or Place is situate shall not give Notice, under the said Section Twenty of the said Act of the Third and Fourth Years of Her Majesty, that he is ready to undertake the Charge of such Parish, Town, or Place, without the previous Authority of One of Her Majesty's Principal Secretaries of State; and Notice of the Intention of the Chief Constable to apply to the Secretary of State for such Authority shall be published by such Chief Constable in such Parish, Town, or Place, in manner directed by the said Section Twenty respecting the Publication of the Notice therein mentioned, Fourteen Days at least before such Application is made.

Agreements for Consolidation not to be determined without the Sanction of Secretary of State. 3 & 4 Vict. c. 88. s. 24. repealed.

XVIII. No Agreement made under Section Fourteen of the said Act of the Third and Fourth Years of Her Majesty shall be put an end to without the Sanction of One of Her Majesty's Principal Secretaries of State.

XIX. Section Twenty-four of the said Act of the Third and Fourth Years of Her Majesty shall be repealed.

CLAUSE F. Station House, or Strong Room provided under 3 & 4 Vict. c. 86. may be purchased by Justices and paid for out of County Rates.

XX. Where a Station House or Strong Room shall have been provided under the said Act of the Third and Fourth Years of Her Majesty, Section Twelve, for any Police District or Division within any County or Riding in which the Provisions of the said Act of the Second and Third Years of Her Majesty, have not been put in force throughout the whole of such County or Riding before the passing of this Act, and the Cost of such Station or Strong Room has been incurred out of or now remains wholly or in part chargeable on the Police Rate for such Police District or Division, the Justices of the Peace for the County or Riding wherein such Police District or Division is situate, at any Quarter Sessions to be held after the passing of this Act, shall or may purchase such Station House or Strong Room for such Sum of Money as may be determined by such Justices, and hold the same for and on behalf of the County or Riding for the Purposes of this Act, and pay the Purchase Monies for the same out of the General County Rate for the said County or Riding; and where the Cost of erecting such Station House or Strong Room shall at the passing of this Act be chargeable by way of Mortgage either wholly or in part on the Police Rates for such Police District or Division, it shall be lawful for the said Justices to transfer

transfer such Charge from the Police Rates leviable in such Police District or Division to and continue such Charge upon the County Rate of the County or Riding in which such Police District or Division shall be situate; and the Police Rates of the said Police District or Division shall be thenceforth discharged from all future Payments in respect of the said Station House or Strong Room; and all Mortgages or other Instruments then operating by way of Charge on the said Police Rates in respect of such Station House or Strong Room shall be thereafter deemed to be Charges on the General County Rate of the said County or Riding, in the same Manner as if the same had been originally charged on such County Rate, and such Station House or Strong Room shall thenceforth be the Property of the said County or Riding for the Purposes of this Act.

CLAUSE G. Powers of Cheshire Constabulary Act, 1852, to continue in force in that County until Police established under this Act.

XXI. And whereas in the County of Chester a Constabulary Force is now maintained and regulated under "The Cheshire Constabulary Act, 1852;" the said Cheshire Constabulary Force shall continue to act in their respective Appointments, and shall be subject to the same Authorities as heretofore; and "The Cheshire Constabulary Act, 1852," shall continue in force until a Day to be notified by the Chief Constable to be appointed for the said County of Chester by Writing under his Hand to the Justices for the said County in General Quarter Sessions assembled, as that on which he will be ready to take the Charge of the said County, which Notice shall be published within the said County in such Manner as shall seem fit to the said Justices; and upon the Day so named the said Cheshire Constabulary Force shall be discontinued, and the Powers and Provisions of "The Cheshire Constabulary Act, 1852," shall cease and determine; provided always, that any Rate authorized by "The Cheshire Constabulary Act, 1852," and duly made previously to the Day on which the Chief Constable shall undertake the Charge of the County of Chester as aforesaid, shall be levied and collected in the same Manner as if this Act had not been passed; and all Sums of Money collected and received and not then applied, and to be collected and received as and for Rates levied under the Powers and Authorities of "The Cheshire Constabulary Act, 1852," shall be applied, after defraying all Charges to which the same shall be liable, in and towards Payment of the Police Rates to be levied under this Act and the said Act of the Third and Fourth Years of Her Majesty, upon the respective Townships and Places within the Hundreds or Divisions of Hundreds in the said County of Chester, by which Hundreds or Divisions of Hundreds such Sums of Money shall have been respectively contributed, and shall be apportioned as nearly as may be rateably according to the Proportions thereof respectively contributed by such Townships or Places; and the Application of such Moneys by

the Clerk of the Peace for the said County of Chester, certified and allowed by any Two Justices of the County, shall be binding and conclusive: Provided also, that in case the Rates levied and collected under "The Cheshire Constabulary Act, 1852," within any such Hundred or Division, shall be insufficient to defray the Charges to which the same shall be liable, the Deficiency shall be paid out of the Rates to be levied within the said County of Chester under this Act and the said Act of the Third and Fourth Years of Her Majesty.

CLAUSE I. If Two Chief Constables appointed in Cheshire, last preceding Section to be read as applicable to District of each Chief Constable.

XXII. Provided further, That in case Two Chief Constables shall be appointed for the said County of Chester under Section Four of the said Act of the Second and Third Years of Her Majesty, the last preceding Section of this Act shall be read and construed as applicable to the separate District of each of such Two Chief Constables, and as if the same had been specially enacted with reference to such separate District instead of the whole County.

CLAUSE K. Provision as to Superannuation Fund under Cheshire Constabulary Act, 1852.

XXIII. The Superannuation Fund formed under "The Cheshire Constabulary Act, 1852," shall (after Repayment thereout to such Officers of the said Cheshire Constabulary Force who may not be appointed Officers under this Act, and the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, of such Sums of Money as shall have been deducted from their respective Salaries or contributed by them respectively to such Superannuation Fund, which Repayments shall be made by the Treasurer of such Fund accordingly,) form Part of the Superannuation Fund to be formed in the said County of Chester under the Provisions of the said Act of the Third and Fourth Years of Her Majesty; and any Allowance which the Justices of the said County of Chester have, by virtue of the said Cheshire Constabulary Act, 1852, ordered to be paid out of the Superannuation Fund under that Act, shall thereafter be paid out of the Superannuation Fund to be formed under the Provisions of the said Act of the Third and Fourth Years of Her Majesty.

CLAUSE L. Service of Police under Cheshire Constabulary Act, 1852.

XXIV. The Service of any Officer in the said Cheshire Constabulary Force who shall be appointed an Officer under this Act and the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, shall be considered an Equivalent to a Service under such Acts, for the Purpose of estimating the Allowance to be paid to any such Officer out of the Superannuation Fund to be formed in the said County of Chester under the said Act of the Third and Fourth Years of Her Majesty.

XXV. An

Police Rates in the Hundred of Wirral, Cheshire, made liable to Annuity to Widow of a deceased Officer.

XXV. An Allowance which the Justices of the said County of Chester have, by virtue of "The Cheshire Constabulary Act, 1852," ordered to be paid to the Widow of a Constable who died in the Execution of his Duty, out of the Rates to be levied and made on the Hundred of Wirral under that Act, shall be paid out of and be chargeable on the Rates to be levied within the said County of Chester by virtue of this Act and the said Act of the Third and Fourth Years of Her Majesty, or on such One of the said Rates, if such there are, as the Justices of the said Courts in General Quarter Sessions assembled shall from Time to Time order and direct.

Interpretation of Terms.

XXVI. The Word "County" shall in this Act have the same Meaning as is assigned to such Word in the said Act of the Third and Fourth Years of Her Majesty, except as to the Soke or Liberty of Peterborough, in the County of Northampton, which for all Purposes of this and the several recited Acts, shall be deemed and taken to be a County of itself; and the several Provisions in this Act and the said recited Acts shall apply and operate in, for, and concerning the said Soke or Liberty accordingly; and the Word "Borough" shall mean any City, Borough, or Place incorporated under the Provisions of the said Act of the Fifth and Sixth Years of King William the Fourth, or which has otherwise become subject to the Provisions of the same Act.

Act not to extend to Metropolitan Police District or City of London.

XXVII. Nothing in this Act shall extend to any Part of the Metropolitan Police District or to the City of London.

Police (Counties and Boroughs).

A

BILL

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON CONSIDERATION OF BILL AS AMENDED]

To render more effectual the Police in Counties and Boroughs in England and Wales.

(*Prepared and brought in by Sir George Grey, Viscount Palmerston, and Mr. Massey.*)

Ordered, by The House of Commons, *to be Printed,* 23 *May* 1856.

[Bill 145.]

Under 2 oz.

Police (Counties and Boroughs) Bill.

[AS AMENDED BY THE LORDS.]

ARRANGEMENT OF CLAUSES.

Preamble recites 2 & 3 Vict. c. 93., 3 & 4 Vict. c. 88., 5 & 6 W. 4. c. 76.

Where a Constabulary is not already established for the whole of a County, Quarter Sessions to cause the same to be established; Sect. 1.

Clause A. Saving for Proceedings commenced for the Establishment of a Police.

Clause B. Where a Constabulary has been successively established in Divisions of a County, the Divisional Establishments to be consolidated, and One County Police Force to be constituted.

Her Majesty may, by Order in Council, require separate Police Districts to be constituted in Counties; 2.

Her Majesty in Council, on Representations from Boroughs, may arrange Terms of Consolidation with Counties; 3.

County Constables to have the like Powers, &c. in Boroughs as Borough Constables have in the County; 4.

Constables to perform Duties connected with the Police as directed by the Justices or Watch Committee; 5.

Constables not to receive Fees; 6.

Borough Constables disqualified from voting at certain Elections; 7.

Retiring Gratuities may be granted to incapacitated Constables who have not served Fifteen Years; 8.

Deficiency in Superannuation Fund to be made up out of Police Rate; 9.

Gratuities may be granted to Officers superseded by the County Police; 10.

Power to grant Superannuations to Chief Constables; 11.

Clause C. Transfer of Payments to Superannuation Fund.

Annual Statement as to Crime in Counties and Boroughs to be furnished to Secretary of State; 12.

Her Majesty may appoint Inspectors for inquiring into Efficiency of Police, &c.; 13.

On Establishment of an efficient Police, One Fourth the Charge for Pay and Clothing to be paid by the Treasury; 14.

But no Payment to be made to the Police of the Boroughs with a Population under 5,000 not consolidated with County Police; 15.

Provisions relating to Borough Police to be applicable to the Police in the Places referred to in the Act 3 & 4 Vict. c. 88. s. 20. until discontinued; 16.

The separate Police in such Places (having a Population of 15,000) not to be superseded without the Authority of the Secretary of State; 17.

Agreements for Consolidation not to be determined without the Sanction of the Secretary of State; 18.

3 & 4 Vict. c. 88. s. 24. repealed; 19.

Station House or Strong Room provided under 3 & 4 Vict. c. 88. may be purchased by Justices and paid for out of County Rates; 20.

Clause D. Incorporation of Lands Clauses Consolidation Act, 1845, for Purpose of Purchases of Station Houses, &c. by Justices.

Clause E. 7 G. 4. c. 18. extended to unnecessary Station Houses, &c.

Powers of Cheshire Constabulary Act, 1852, to continue in force in that County until Police established under this Act; 21.

If Two Chief Constables appointed in Cheshire, last preceding Section to be read as applicable to District of each Chief Constable; 22.

Provision as to Superannuation Fund under Cheshire Constabulary Act, 1852; 23.

Service of Police under Cheshire Constabulary Act, 1852; 24.

Police Rates in the County of Chester made liable to Annuity to Widow of a deceased Officer; 25.

Interpretation of Terms; 26.

Clause F. 2 & 3 Vict. c. 93. and 3 & 4 Vict. c. 88. to be construed with this Act.

Act not to extend to Metropolitan Police District or City of London; 27.

A

B I L L

[AS AMENDED BY THE LORDS]

INTITULED

An Act to render more effectual the Police in Counties and Boroughs in England and Wales.

[Note.—*The Words in Italics and Clauses* A. *to* F. *were added by the Lords, and the Words in erased Type were struck out by the Lords.*]

WHEREAS an Act was passed in the Session holden in the Second and Third Years of Her Majesty (Chapter Ninety-three), "for the Establishment of County and "District Constables by the Authority of Justices of the Peace," which Act was amended by an Act passed in the Session holden in the Third and Fourth Years of Her Majesty, Chapter Eighty-eight: And whereas a Police Force has been established under the Authority of the said Acts in several Counties and Parts of Counties in England and Wales: And whereas by the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth (Chapter Seventy-six), "to provide for the Regulation of "Municipal Corporations in England and Wales," Provision is made for the Appointment of Constables in all Boroughs in England and Wales which are subject to that Act: And whereas, under the said secondly-mentioned Act, Power is given to Justices of Counties and Councils of Boroughs to agree for the Consolidation of the County and Borough Police Establishments: And whereas, for the more effectual Prevention and Detection of Crime, Suppression of Vagrancy, and

Preamble.
2 & 3 Vict. c. 93.
3 & 4 Vict. c. 88.
5 & 6 W. 4. c. 76.

and Maintenance of good Order, it is expedient that further Provision should be made for securing an efficient Police Force throughout England and Wales: Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Where a Constabulary is not already established for the whole of a County, Quarter Sessions to cause the same to be established.

I. In every County in which a Constabulary has not been already established for the whole of such County under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, or either of them, the Justices of such County at the General or Quarter Sessions holden next after the First Day of December One thousand eight hundred and fifty-six, shall proceed to establish a sufficient Police Force for the whole of such County, or where a Constabulary is already established in Part of such County, then for the Residue of such County, and for that Purpose shall declare the Number of Constables they propose should be appointed, and the Rates of Pay which it would be expedient to pay to the Chief and other Constables, and shall report such their Proceedings to One of Her Majesty's Principal Secretaries of State; and upon the Receipt from the Secretary of State of such Rules as are mentioned in Section Three of the said Act of the Second and Third Years of Her Majesty, all the Provisions of the said Acts of the Second and Third and Third and Fourth Years of Her Majesty shall take effect and be applicable in relation to such County, in like Manner as by the said Acts provided, upon the Adoption of such Acts for any County by the Justices thereof, and the Receipt of such Rules as aforesaid from the Secretary of State, subject, nevertheless, to the Amendments contained in this Act.

Clause A. Saving for Proceedings commenced for the Establishment of a Police.

Provided always, That the Enactment herein-before contained shall not apply to any County where before the said General or Quarter Sessions holden next after the said First Day of December the Justices of the Peace of such County have sent to the Secretary of State such Report as is required by the said Act of the Second and Third Years of Her Majesty, in order to establish a Police Force for the whole of such County, or for such Residue thereof as aforesaid, (as the Case may be,) and the Proceedings upon and in relation to such Report, and consequent thereupon, shall and may be had and continued according to the said Acts as amended by the Enactments herein contained.

Added by the Lords.

Clause B. Where a Constabulary has been successively esta-

In any County where, after the Establishment, under the said Acts of Her Majesty or either of them, of a Constabulary for any Division or Divisions thereof, Constables have been or shall be appointed

Added by the Lords.

appointed under such Acts and this Act, or any of them, for the Residue of the County, or for Divisions constituting together such Residue, there shall be One General County Police Establishment, and any Divisional Police Establishment or Establishments which may have been constituted in such County shall be consolidated with and form Part thereof, and a Chief Constable shall be appointed for such County, in like Manner and with the like Powers as in any Case where a Police Force is established for the whole County in the first instance.

blished in Divisions of a County, the Divisional Establishments to be consolidated, and One County Police Force to be constituted.

II. In case it appear to Her Majesty in Council, upon the Petition of Persons contributing, or who, on the Establishment of a Constabulary under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, or this Act, will be liable to contribute, to the Police Rate of any County, that a Distinction should be made in the Number of Constables to be appointed to keep the Peace in different Parts of such County, it shall be lawful for Her Majesty, by the Advice of Her Privy Council, to order and require the Justices of such County to exercise the Powers given by the said Act of the Third and Fourth Years of Her Majesty, for the Division of such County into Police Districts; and the said Justices shall thereupon, in manner directed by such Act, and subject to such Approval as therein mentioned, divide such County into such Police Districts as shall appear to them most convenient, and declare the Number of Constables which ought to be appointed for each Police District; and the Extent of such Districts, and the Number of Constables appointed for each, may be altered as in the said Act provided; and the Expenses to be defrayed by each such Police District shall be ascertained in the Manner provided by the said last-mentioned Act, and the Police Rates assessed and levied therein accordingly: Provided, that Notice of every such Petition, and of the Time when it shall please Her Majesty to order that the same be taken into consideration by Her Privy Council, shall be published in the London Gazette One Month at least before such Petition shall be considered.

Her Majesty may, by Order in Council, require separate Police Districts to be constituted in Counties.

III. In case it be represented to One of Her Majesty's Principal Secretaries of State by the Council of any Borough, that Application has been made by such Council to the Justices of any County in or adjoining to which such Borough is situate, to consolidate the Police of such County and Borough in the Manner provided by the Fourteenth Section of the said Act of the Third and Fourth Years of Her Majesty, and that such Consolidation has not been effected, it shall be lawful for such Principal Secretary of State to inquire into the Terms of Consolidation proposed, and to report thereon to Her Majesty in Council;

Her Majesty in Council, on Representations from Boroughs, may arrange Terms of Consolidation with Counties.

and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to fix the Terms and Conditions and Date upon and from which such Consolidation shall take effect, and thereupon the Provisions of such last-mentioned Act shall become applicable as if such Consolidation had been effected by an Agreement made under the said Section, save so far as such Provisions relate to the Determination of such Agreement; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, at any Time and from Time to Time to vary the Terms of any such Consolidation, or at any Time to determine such Consolidation upon such Terms as to Her Majesty in Council may seem just.

County Constables to have the like Powers, &c. in Boroughs as Borough Constables have in the County.

IV. The Constables of every County appointed under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty or either of them, or this Act, shall have, in every Borough situate wholly or in part within such County, or within any County or Part of a County in which they have Authority, all such Powers and Privileges and be liable to all such Duties and Responsibilities as the Constables appointed for such Borough have and are liable to within any such County, and shall obey all such lawful Commands as they may from Time to Time receive from any of the Justices of the Peace having Jurisdiction within any such Borough in which they shall be called on to act as Constables, for conducting themselves in the Execution of their Office.

Constables to perform Duties connected with the Police as directed by the Justices or Watch Committee.

V. The Constables acting under the said Acts ofthe Second and Third and Third and Fourth Years of Her Majesty, the Fifth and Sixth Years of King William the Fourth, and this Act, or any of the said Acts, shall, in addition to their ordinary Duties, perform all such Duties connected with the Police in their respective Counties or Boroughs as the Justices in General or Quarter Sessions assembled, or the Watch Committees of such respective Counties or Boroughs, from Time to Time direct and require.

Constables not to receive Fees.

VI. It shall not be lawful for any Constable acting under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, and the Fifth and Sixth Years of King William the Fourth, and this Act, or any of the said Acts, (other than a local Constable appointed under the said Act of the Third and Fourth Years of Her Majesty,) to receive to his own Use any Fee for the Performance of any Act done by him in the Execution of his Duty as such Constable; but this Enactment shall not extend to prevent the Receipt by any such Constable of any Fee or other Payment legally payable which he may be liable to account for and pay over to the Treasurer of the County or Borough, or otherwise for the

Use

Use of the County or Borough, or which may be payable to, or applied in aid of, any Police Superannuation Fund established or to be established in any Borough, under the Provisions of the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Fourteen, or of any Local or other Act of Parliament.

Borough Constables disqualified from voting at certain Elections.

VII. No Head or other Constable already appointed or hereafter to be appointed for any Borough, under the said Act of the Fifth and Sixth Years of King William the Fourth, except Special Constables shall, during the Time he continues to be such Constable, or within Six Calendar Months after he has ceased to be such Constable, be capable of giving his Vote for the Election of any Person to any Municipal Office in such Borough, or for the Election of a Member to serve in Parliament for such Borough or any County in or to which such Borough is situate, either wholly or in part, or adjoins, or for any Borough within any such County, nor shall any such Constable, by Word, Message, Writing, or in any other Manner, endeavour to persuade any Elector to give or dissuade any Elector from giving his Vote for the Choice of any Person to hold any Municipal Office in such Borough, or to be a Member to serve in Parliament for any such Borough or County; and if any such Constable shall offend therein he shall forfeit the Sum of Ten Pounds, to be recovered in any Court of competent Jurisdiction, by any Person who shall sue for the same within Six Months after the Commission of the Offence, and One Half of the Sum recovered shall be paid to the Person suing for the same, and the other Half to the Treasurer of the Borough: Provided always, that nothing herein contained shall subject any Constable to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his Duty.

Retiring Gratuities may be granted to incapacitated Constables who have not served Fifteen Years.

VIII. It shall be lawful for the Justices of any County in General or Quarter Sessions assembled, if they think fit, upon the Recommendation of the Chief Constable, and upon his certifying that any Constable belonging to the Police Force of the County, who has not served so long as Fifteen Years, is incapable from Infirmity of Mind or Body to discharge the Duties of his Office, to order that such Constable shall receive out of the Superannuation Fund mentioned in the said Act of the Third and Fourth Years of Her Majesty such Sum in gross as a Gratuity upon his Retirement as to the said Justices may seem proper.

Deficiency in Superannuation Fund to be made up out of Police Rate.

IX. If at any Time the Superannuation Fund mentioned in the said Act of the Third and Fourth Years of Her Majesty be insufficient (otherwise than by reason of any Default of any Treasurer or other Person entrusted with the Custody or Management thereof) to pay the

the Superannuation or Retiring Allowances and Gratuities payable thereout, the Amount which such Fund shall from Time to Time be insufficient to pay shall be defrayed by the Police Rate, and, where the County is divided into Police Districts, shall be defrayed by the several Districts as Parts of the local Expenditure thereof, rateably in Proportion to the Number of Constables appointed for each such District respectively.

Gratuities may be granted to Officers superseded by the County Police.

X. It shall be lawful for the Magistrates in General or Quarter Sessions assembled, if they so think fit, to grant Gratuities to such Officers as may be removed from their Appointments in consequence of the Duties of such Officers being transferred to Persons belonging to the Police Establishment.

Power to grant Superannuations to Chief Constables.

XI. It shall be lawful for the Justices of any County in General or Quarter Sessions assembled, if they see fit, to grant to any Chief Constable of the County, on his ceasing to be such Chief Constable, such annual Sum by way of Superannuation Allowance as they think fit; and such Superannuation Allowance shall be paid out of the Police Rate of the County, and shall, in the Case of a County which is divided into Police Districts, be deemed Part of the general Expenditure, and be defrayed accordingly; provided always, that no such Allowance shall be granted to any Chief Constable under Sixty Years of Age, unless the said Justices be satisfied that he is incapable from Infirmity of Mind or Body to discharge the Duties of his Office; and Section Eleven of the said secondly-recited Act, as to the proportionate Amount of the Superannuation Allowance of any Petty Constable, shall apply to the Superannuation Allowance to be granted to any Chief Constable.

Clause C. Transfer of Payments to Superannuation Fund.

Where any Constable appointed in any County or Borough under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, and the Fifth and Sixth Years of King William the Fourth, and this Act, or any of them, who has contributed to the Superannuation Fund of any County or Borough by Deduction from his Pay, shall, with the Approval of the Chief Constable of the County or of the Watch Committee of the Borough in which he is serving, be appointed under the said Acts, or any of them, a Constable in some other Police Establishment, the Treasurer of such Fund shall, on the Application of such Constable, and upon the Production of the Certificate of such Chief Constable or such Watch Committee of such Approval, pay over to the Treasurer of the Superannuation Fund of the County or Borough to which the said Constable is appointed as aforesaid the Amount so contributed by such Constable, and also such Amount (if any) as may have

Added by the Lords.

Added by the Lords.

have been paid over to such first-mentioned Fund under this Enactment in respect of Contributions by such Constable; and the Period during which any Amount paid over as herein provided shall have been contributed towards any such Fund for any County or Borough by such Constable shall, upon being certified by the Chief Constable of such County or by the Watch Committee of such Borough, be reckoned so as to entitle such Constable to the like Superannuation or retiring Allowance as if during the whole of any or every such Period he had been serving in the Force to which he is appointed as aforesaid.

Annual Statement as to Crime in Counties and Boroughs to be furnished to Secretary of State.

XII. The Justices of every County and the Watch Committee of every Borough shall, in the Month of October in every Year, transmit to One of Her Majesty's Principal Secretaries of State a Statement, in such Form as One of the said Secretaries of State may from Time to Time direct, for the Year ending the Twenty-ninth Day of September then last, of the Number of Offences reported to the Police within such County or Borough respectively, the Number of Persons apprehended by the Police, the Nature of the Charges against them, the Result of the Proceedings taken thereupon, and any other Particulars relating to the State of Crime within such County or Borough which such Justices or Watch Committee may think it material to furnish, and *a classified Abstract of* all such Reports and Returns shall be annually *prepared and* laid before Parliament.

Her Majesty may appoint Inspectors for inquiring into Efficiency of Police, &c.

XIII. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint during Her Majesty's Pleasure Three Persons as Inspectors under this Act, to visit and inquire into the State and *the* Efficiency of the Police appointed for every County and Borough, and whether the Provisions of the Acts under which such Police are appointed are duly observed and carried into effect, and also into the State of the Police Stations, Charge Rooms, Cells, or Lock-ups, or other Premises occupied for the Use of such Police; and each of the Inspectors so appointed shall report *generally* upon ~~all~~ such Matters to One of Her Majesty's Principal Secretaries of State, who shall cause such Reports to be laid before Parliament; and such Inspectors shall be paid, out of such Money as may be provided by Parliament for the Purpose, such Salaries and Allowances as shall be determined by the Commissioners of Her Majesty's Treasury.

On Establishment of an efficient Police, One Fourth the

XIV. Upon the Certificate of One of Her Majesty's Principal Secretaries of State, that the Police of any County or Borough established under the Provisions of the said Acts and this Act, or any

Charge for Pay and Clothing to be paid by the Treasury.

any of them, has been maintained in a State of Efficiency in point of Numbers and Discipline for the Year ending on the Twenty-ninth of September then last past, it shall be lawful for the Commissioners of Her Majesty's Treasury to pay from Time to Time, out of the Monies provided by Parliament for the Purpose, such Sum towards the Expenses of such Police for the Year mentioned in such Certificate as shall not exceed One Fourth of the Charge for their Pay and Clothing, but such Payment shall not extend to any additional Constables appointed under the Nineteenth Section of the said Act of the Third and Fourth Years of Her Majesty; provided that before any such Certificate shall be finally withheld in respect of the Police of any County or Borough, the Report of the Inspector relating to the Police of such County or Borough shall be sent to the Justices of such County, or to the Watch Committee of such Borough, who may address any Statement relating thereto to the Secretary of State; and in every Case in which such Certificate is withheld, a Statement of the Grounds on which the Secretary of State has withheld such Certificate, together with any such Statement of the Justices or Watch Committee as aforesaid, shall be laid before Parliament.

But no Payment to be made to the Police of the Boroughs with a Population under 5,000 not consolidated with County Police.

XV. No such Sum as aforesaid shall be paid towards the Pay and Clothing of the Police of any Borough, not being consolidated with the Police of a County under the said Act of the Third and Fourth Years of Her Majesty, or this Act, the Population of which Borough according to the last Parliamentary Enumeration for the Time being does not exceed Five thousand.

Provisions relating to Borough Police to be applicable to the Police in the Places referred to in the Act 3 & 4 Vict. c. 88. s. 20. until discontinued.

XVI. Until the Constables or Watchmen appointed in and for any Parish, Town, or Place under the Act passed in the Session holden in the Third and Fourth Years of King William the Fourth, Chapter Ninety, or under any Local Act authorizing the Appointment of Constables or Watchmen, and authorizing Rates to be made and levied for the Purpose of defraying the Expenses of such Constables or Watchmen, are discontinued as a separate Force in manner provided by Section Twenty of the said Act of the Third and Fourth Years of Her Majesty and by this Act, all the Provisions of this Act applicable to the Constables of any Borough acting under the said Act of the Fifth and Sixth Years of King William the Fourth shall be applicable to the Constables or Watchmen appointed under the said Act of the Third and Fourth Years of King William the Fourth, or under such Local Act as aforesaid, in and for such Parish, Town, or Place, and until such Discontinuance all the Provisions of this Act applicable to the Watch Committee of a Borough shall be applicable to the Inspectors, Commissioners, or other Persons having the Appointment

Appointment of Constables or Watchmen in and for such Parish, Town, or Place, and the Police of such Parish, Town, or Place shall be visited and inquired into by the Inspectors under this Act; and the Provision in this Act enabling the Commissioners of Her Majesty's Treasury to make Payment towards the Expenses of the Police of a Borough having a Population exceeding Five thousand, shall, until such Discontinuance, extend to the Police of such Parish, Town, or Place as aforesaid having the like Population.

The separate Police in such Places (having a Population of 15,000) not to be superseded without the Authority of the Secretary of State.

XVII. Provided, That where any such Parish, Town, or Place, having such Constables or Watchmen as aforesaid, contains, according to the last Parliamentary Enumeration, a Population of Fifteen thousand Persons or upwards, the Chief Constable of the County in which such Parish, Town, or Place is situate shall not give Notice, under the said Section Twenty of the said Act of the Third and Fourth Years of Her Majesty, that he is ready to undertake the Charge of such Parish, Town, or Place, without the previous Authority of One of Her Majesty's Principal Secretaries of State; and Notice of the Intention of the Chief Constable to apply to the Secretary of State for such Authority shall be published by such Chief Constable in such Parish, Town, or Place, in manner directed by the said Section Twenty respecting the Publication of the Notice therein mentioned, Fourteen Days at least before such Application is made.

Agreements for Consolidation not to be determined without the Sanction of Secretary of State.

XVIII. No Agreement made under Section Fourteen of the said Act of the Third and Fourth Years of Her Majesty shall be put an end to without the Sanction of One of Her Majesty's Principal Secretaries of State.

3 & 4 Vict. c 88. s. 24. repealed.

XIX. Section Twenty-four of the said Act of the Third and Fourth Years of Her Majesty shall be repealed.

Station House or Strong Room provided under 3 & 4 Vict. c. 88. may be purchased by Justices and paid for out of County Rates.

XX. Where a Station House or Strong Room shall have been provided under the said Act of the Third and Fourth Years of Her Majesty, Section Twelve, for any Police District or Division within any County in which the Provisions of the said Act of the Second and Third Years of Her Majesty, have not been put in force throughout the whole of such County before the passing of this Act, and the Cost of such Station or Strong Room has been incurred out of or now remains wholly or in part chargeable on the Police Rate for such Police District or Division, the Justices of the Peace for the County wherein such Police District or Division is situate, at any Quarter Sessions to be held after the passing of this Act, shall or may purchase such Station House

or Strong Room for such Sum of Money as may be determined by such Justices, and hold the same for and on behalf of the County or Riding for the Purposes of this Act, and pay the Purchase Monies for the same out of the General County Rate for the said County; and where the Cost of erecting such Station House or Strong Room shall at the passing of this Act be chargeable by way of Mortgage either wholly or in part on the Police Rates for such Police District or Division, it shall be lawful for the said Justices to transfer such Charge from the Police Rates leviable in such Police District or Division to and continue such Charge upon the County Rate of the County in which such Police District or Division shall be situate; and the Police Rates of the said Police District or Division shall be thenceforth discharged from all future Payments in respect of the said Station House or Strong Room; and all Mortgages or other Instruments then operating by way of Charge on the said Police Rates in respect of such Station House or Strong Room shall be thereafter deemed to be Charges on the General County Rate of the said County, in the same Manner as if the same had been originally charged on such County Rate, and such Station House or Strong Room shall thenceforth be the Property of the said County for the Purposes of this Act.

CLAUSE D. Incorporation of Lands Clauses Consolidation Act, 1845, for Purpose of Purchases of Station Houses, &c. by Justices.

For facilitating the Purchase of Lands and Tenements for the Purposes mentioned in Section Twelve of the said Act of the Third and Fourth Years of Her Majesty, the Provisions of "The Lands Clauses Consolidation Act, 1845," except the Provisions with respect to the Purchase and taking of Lands otherwise than by Agreement, shall be incorporated with the said Act of the Third and Fourth Year of Her Majesty and this Act; and the Expression "the Promoters of the Undertaking," in the said Lands Clauses Consolidation Act, shall for the Purposes of such Incorporation mean the Justices of the Peace of any County in General or Quarter Sessions assembled; and the Powers of providing Station Houses and Strong Rooms contained in Sections Twelve and Thirteen of the said Act of the Third and Fourth Years of Her Majesty and this Act shall extend to authorize the providing of such Station Houses and Strong Rooms within any Borough lying within or adjoining to the County for which the same may be provided.

Added by the Lords.

CLAUSE E. 7 G. 4. c. 18. extended to unnecessary Station Houses, &c.

The Act of the Seventh Year of the Reign of King George the Fourth, Chapter Eighteen, "to authorize the Disposal of unnecessary Prisons in England," shall extend to and include all Station Houses, Lock-up Houses, Strong Rooms, and the Sites thereof, and all other Lands and Tenements whatsoever which may at any Time be vested in the Justices of the Peace of any County, or in any Persons

Added by the Lords.

sons in trust for them, for the Purposes of the Police, and which in the Judgment of such Justices shall for any Reason whatever have become unnecessary.

Powers of Cheshire Constabulary Act, 1852, to continue in force in that County until Police established under this Act.

XXI. And whereas in the County of Chester a Constabulary Force is now maintained and regulated under "The Cheshire Constabulary Act, 1852;" the said Cheshire Constabulary Force shall continue to act in their respective Appointments, and shall be subject to the same Authorities as heretofore; and "The Cheshire Constabulary Act, 1852," shall continue in force until a Day to be notified by the Chief Constable to be appointed for the said County of Chester by Writing under his Hand to the Justices for the said County in General Quarter Sessions assembled, as that on which he will be ready to take the Charge of the said County, which Notice shall be published within the said County in such Manner as shall seem fit to the said Justices; and upon the Day so named the said Cheshire Constabulary Force shall be discontinued, and the Powers and Provisions of "The Cheshire Constabulary Act, 1852," shall cease and determine; provided always, that any Rate authorized by "The Cheshire Constabulary Act, 1852," and duly made previously to the Day on which the Chief Constable shall undertake the Charge of the County of Chester as aforesaid, shall be levied and collected in the same Manner as if this Act had not been passed; and all Sums of Money collected and received and not then applied, and to be collected and received as and for Rates levied under the Powers and Authorities of "The Cheshire Constabulary Act, 1852," shall be applied, after defraying all Charges to which the same shall be liable, in and towards Payment of the Police Rates to be levied under this Act and the said Act of the Third and Fourth Years of Her Majesty, upon the respective Townships and Places within the Hundreds or Divisions of Hundreds in the said County of Chester, by which Hundreds or Divisions of Hundreds such Sums of Money shall have been respectively contributed, and shall be apportioned as nearly as may be rateably according to the Proportions thereof respectively contributed by such Townships or Places; and the Application of such Moneys by the Clerk of the Peace for the said County of Chester, certified and allowed by any Two Justices of the County, shall be binding and conclusive: Provided also, that in case the Rates levied and collected under "The Cheshire Constabulary Act, 1852," within any such Hundred or Division, shall be insufficient to defray the Charges to which the same shall be liable, the Deficiency shall be paid out of the Rates to be levied within the said County of Chester under this Act and the said Act of the Third and Fourth Years of Her Majesty.

If Two Chief Constables appointed in Cheshire, last preceding Section to be read as applicable to District of each Chief Constable.

XXII. Provided further, That in case Two Chief Constables shall be appointed for the said County of Chester under Section Four of the said Act of the Second and Third Years of Her Majesty, the last preceding Section of this Act shall be read and construed as applicable to the separate District of each of such Two Chief Constables, and as if the same had been specially enacted with reference to such separate District instead of the whole County.

Provision as to Superannuation Fund under Cheshire Constabulary Act, 1852.

XXIII. The Superannuation Fund formed under "The Cheshire Constabulary Act, 1852," shall (after Repayment thereout to such Officers of the said Cheshire Constabulary Force who may not be appointed Officers under this Act, and the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, of such Sums of Money as shall have been deducted from their respective Salaries or contributed by them respectively to such Superannuation Fund, which Repayments shall be made by the Treasurer of such Fund accordingly,) form Part of the Superannuation Fund to be formed in the said County of Chester under the Provisions of the said Act of the Third and Fourth Years of Her Majesty; and any Allowance which the Justices of the said County of Chester have, by virtue of the said Cheshire Constabulary Act, 1852, ordered to be paid out of the Superannuation Fund under that Act, shall thereafter be paid out of the Superannuation Fund to be formed under the Provisions of the said Act of the Third and Fourth Years of Her Majesty.

Service of Police under Cheshire Constabulary Act, 1852.

XXIV. The Service of any Officer in the said Cheshire Constabulary Force who shall be appointed an Officer under this Act and the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, shall be considered an Equivalent to a Service under such Acts, for the Purpose of estimating the Allowance to be paid to any such Officer out of the Superannuation Fund to be formed in the said County of Chester under the said Act of the Third and Fourth Years of Her Majesty.

Police Rates in the County of Chester made liable to Annuity to Widow of a deceased Officer.

XXV. An Allowance which the Justices of the said County of Chester have, by virtue of "The Cheshire Constabulary Act, 1852," ordered to be paid to the Widow of a Constable who died in the Execution of his Duty, out of the Rates to be levied and made on the Hundred of Wirral under that Act, shall be paid out of and be chargeable on the Rates to be levied within the said County of Chester by virtue of this Act and the said Act of the Third and Fourth Years of Her Majesty, or on such One of the said Rates, if such there are, as the Justices of the said ~~Courts~~ *County* in General

General Quarter Sessions assembled shall from Time to Time order and direct.

Interpretation of Terms.

XXVI. The Word "County" shall in this Act have the same Meaning as is assigned to such Word in the said Act of the Third and Fourth Years of Her Majesty, except as to the Soke or Liberty of Peterborough in the County of Northampton, which for all Purposes of this and the several recited Acts shall be deemed and taken to be a County of itself; and the several Provisions in this Act and the said recited Acts shall apply and operate in, for, and concerning the said Soke or Liberty accordingly; and the Word "Borough" shall mean any City, Borough, or Place incorporated under the Provisions of the said Act of the Fifth and Sixth Years of King William the Fourth, or which has otherwise become subject to the Provisions of the same Act; *and every Part of the Cinque Ports, Two ancient Towns of Winchelsea and Rye, and their several Members and Liberties, which is not within the Municipal Boundaries of a Place named in One of the Schedules* (*A.*) *and* (*B.*) *to the last-mentioned Act, shall for the Purposes of the said Acts of Her Majesty and this Act, save for any Purpose of Rating or Charge, be deemed to form Part of the County in which the same is situate, and shall be, except as aforesaid, dealt with, under the said Acts of Her Majesty and this Act, as a Liberty which, under the said Acts of Her Majesty, forms Part of a County, notwithstanding it may be a Member or Liberty of a Place named in One of the said Schedules.*

Clause F. 2 & 3 Vict. c. 93. and 3 & 4 Vict. c. 88. to be construed with this Act.

Added by the Lords.

The said Acts of the Second and Third and of the Third and Fourth Years of Her Majesty and this Act shall be construed together as One Act.

Act not to extend to Metropolitan Police District or City of London.

XXVII. Nothing in this Act shall extend to any Part of the Metropolitan Police District or to the City of London.

Police (Counties and Boroughs).

A

B I L L

[AS AMENDED BY THE LORDS]

INTITULED

An Act to render more effectual the Police in Counties and Boroughs in England and Wales.

Ordered, by the House of Commons, *to be Printed*, 1 *July* 1856.

[Bill 215.]

Under 2 *oz.*

Poor Law Amendment Bill.

ARRANGEMENT OF CLAUSES.

Certain Extra-parochial Places to be added to adjoining Parishes; Sect. 1.

Certain others to become Parishes; 2.

Poor Law Board may divide such Places; 3.

Settlement of Persons born therein; 4.

Certain Places excepted; 5.

Consent of Guardians not required in certain Cases; 6.

4 & 5 W. 4. c. 76. s. 39. to apply to single Parishes; 7.

Poor Law Board may alter Number of District School Managers; 8.

Evidence of Consent of Poor Law Board; 9.

Repeal of 4 & 5 W. 4. c. 76. s. 18. requiring Copies of Poor Law Boards Orders to be sent to Clerks of the Petty Sessions; Copies of certain Orders to be sent to the Clerk of the Peace; 10.

Remission of Surcharges and Disallowances need not be made by Order under Seal; 11.

Guardians may release Claims; 12.

Penalty on Outdoor Poor refusing to perform Task of Work; 13.

Repeal of part of 7 & 8 Vict. c. 101. s. 61.;—14.

Overseers and Vestry may purchase Parish Offices; 15.

Fire Engine may be purchased; 16.

Emigration Money how disposed of; 17.

Recovery of Costs of Maintenance under suspended Orders of Removal; 18.

No Order of Justices for such Order to be obtained, and Limitation of Time; 19.

Settlement by Estate of a married Woman; 20.

Settlement of illegitimate Children; 21.

Demand of Poor Rate may be made on the Premises; 22.

Demand of Rate from a Corporation or a Company; 23.

Settlement need not be proved in certain Cases; 24.

Chargeability of Wayfarers; 25.

Chargeability of sick Persons; 26.

Private Rates to be estimated in the Calculation of Averages in Unions; 27.

Poor Law Board to appoint Auditors; 28.

Notice of Appointment of Auditor to be inserted in London Gazette; 29.

Districts may be varied; 30.

Overseers not qualified to be Assistant Overseers; 31.

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TO

Amend the Laws for the Relief of the Poor.

Preamble.

WHEREAS it is desirable that Provisions should be made for the Relief of the Poor in Extra-parochial Places, and that the Laws for the Relief of the Poor should be amended in other respects: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Certain Extra-parochial Places to be added to adjoining Parishes.

I. That *after the Thirty-first Day of December One thousand eight hundred and fifty-six*, every Place entered separately in the Report of the Registrar General on the last Census which now is or is reputed to be extra-parochial, and wherein no Rate is levied for the Relief of the Poor, and the Population thereof according to the Enumeration taken and declared at such Census did not exceed *Three hundred*, shall for all Purposes of the Assessment to the Poor Rate, the Relief of the Poor, the Burial of the Dead, the Removal of Nuisances, and the Registration of Births and Deaths, be deemed to be a Part of the Parish by which it is wholly surrounded, or where there is no such Parish shall be deemed Part of that one of the adjoining Parishes with which it has the greatest Extent of common Boundary.

Certain others to become Parishes.

II. Every such Extra-parochial Place as aforesaid wherein the Population as declared by such Census was *Three hundred* or upwards shall, from a Time to be fixed by the Poor Law Board by an Order under their Seal in that Behalf, be and become a Parish for the Purposes aforesaid, and the Justices of the Peace having Jurisdiction over such Place shall appoint Overseers of the Poor therein, as if the same had been a Parish from Time immemorial.

Poor Law Board may divide such Places.

III. Provided, That the Poor Law Board may, if they deem it expedient, divide such Extra-parochial Place as last aforesaid into Two or more Parts, and define by Order under their Seal the Boundaries of such Parts, and thereupon each such Part shall become a Parish for the Purposes aforesaid, and the Justices shall appoint Overseers therein as aforesaid.

Settlement of Persons born therein.

IV. Every Person born in any Extra-parochial Place, whether added to or formed into a Parish before or after this Act, shall, if not settled elsewhere, be deemed to have acquired a Settlement by Birth in the Parish to which such Place shall have been added, or in the Parish which such Place shall have become in the Manner aforesaid.

Certain Places excepted.

V. Provided, That nothing above contained shall apply to any Extra-parochial Place in respect whereof there shall be any Agreement or Arrangement, sanctioned or declared by any Local Act of Parliament, with any Parish as to the Liability of such Place to contribute to the Poor Rate of such Parish.

Consent of Guardians not required in certain Cases.

VI. The Poor Law Board may exercise the Powers contained in the Thirty-second Section of the Seventy-sixth Chapter of the Statute passed in the Fourth and Fifth Years of King William the Fourth, with respect to any Union of Parishes formed under the Eighty-third Chapter of the Statute of the Twenty-second Year of King George the Third, without such Concurrence of a Majority of not less than Two Thirds of the Guardians of such Union as in the said Act of William the Fourth is mentioned.

4 & 5 W. 4., c. 76. s. 39. to apply to single Parishes.

VII. It is hereby declared that the Thirty-ninth Section of the said last-mentioned Statute of King William the Fourth applies to any single Parish in which the Provisions of the said Statute of George the Third shall have been adopted.

Poor Law Board may alter Number of District School Managers.

VIII. The Poor Law Board may alter the Number of the Managers to be elected for any Union or Parish comprised within a School District formed under the One hundred and first Chapter of the Statute of the Seventh and Eighth Years of Her Majesty,

or

or under the Eighty-second Chapter of the Statute of the Eleventh and Twelfth Years of Her Majesty.

Evidence of Consent of Poor Law Board.

IX. In any Case where the Poor Law Commissioners or the Poor Law Board shall have given or refused, or shall hereafter give or refuse, their Consent, Sanction, or Approval in any Matter where their Order under Seal shall not have been expressly required, the Production of any written Document signed or purporting to be signed by a Secretary or Assistant Secretary of the said Commissioners or the said Board shall be primâ facie Evidence of the Decision of the said Commissioners or the said Board upon such Matter as aforesaid.

Repeal of the 4 & 5 W. 4. c. 76. s. 18. requiring Copies of Poor Law Board's Orders to be sent to Clerks of the Petty Sessions.

Copies of certain Orders to be sent to the Clerk of the Peace.

X. So much of the Eighteenth Section of the said Act of the Fourth and Fifth Years of King William the Fourth as requires a written or printed Copy of every Rule, Order, or Regulation of the Poor Law Board, before the same shall come into operation in any Parish or Union, to be sent to the Clerk to the Justices of the Petty Sessions held for the Division in which such Parish or Union shall be situate, shall henceforth be repealed; but a Copy of every General Rule or Order of the said Board, and of every Order forming or altering any Union, or constituting a Board of Guardians in any Parish, or prescribing any Regulation for the Administration of Relief to the Poor in any Parish or Union, to be issued hereafter, shall be sent by the Poor Law Board to the Clerk of the Peace of every County in which every Union or Parish to which the same shall be addressed shall be situated, and the same shall be kept among the public Documents of the County; and any Owner of Property, or his Agent, or any Ratepayer, in any Union or Parish, shall be allowed to inspect the same, free of any Charge, at all reasonable Times, and to be furnished by such Clerk of the Peace with Copies of the same, paying for the same at a Rate not exceeding Threepence for every Folio of Seventy-two Words.

Remission of Surcharges and Disallowances need not be made by Order under Seal.

XI. So much of the Fourth Section of the Statute of the Eleventh and Twelfth Years of the Reign of Her Majesty, Chapter Ninety-one, as requires the Poor Law Board to issue an Order under their Seal in Cases where they direct any Surcharge or Disallowance made by an Auditor to be remitted, shall be repealed; and such Direction, if given in Writing under the Hand of the President of the said Board, and be countersigned by a Secretary or Assistant Secretary, shall have the same Effect as if such Direction were given by such an Order as aforesaid.

Guardians may release Claims.

XII. The Guardians of any Parish or Union may, with the Consent of the Poor Law Board, compromise or release any Right, Claim, or

Cause of Action accruing to them, either in respect of such Parish or Union respectively, or of any Parish comprised in such Union.

Persons relieved out of the Workhouse refusing to perform Task of Work rendered liable to be punished under the 5 Geo. IV. c. 83.

XIII. When the Guardians of any Union or Parish shall prescribe a Task of Work to be performed by any poor Person, to whom or to whose Wife or Child, whether legitimate or illegitimate, under the Age of *Sixteen*, Relief shall have been lawfully granted by such Guardians out of the Workhouse, such Task being suited to the Age, Sex, Strength, and Capacity of such Person, and being of a Nature and Description of which the Poor Law Board shall have previously approved, and such Person shall refuse or wilfully neglect to perform such Task, or shall wilfully destroy or damage any of the Tools, Materials, or other Property belonging to the said Guardians, he or she shall be deemed to be an idle and disorderly Person within the Meaning of the Eighty-third Chapter of the Statute of the Fifth Year of King George the Fourth, and shall be liable to be prosecuted and punished in the Manner therein provided in respect of idle and disorderly Persons; and the Fifty-ninth Section of the One hundred and First Chapter of the said Statute of the Seventh and Eighth Years of Her Majesty shall apply to any such Prosecution.

Repeal of Part of 7 & 8 Vict. c. 101. s. 61.

XIV. So much of the Sixty-first Section of the One hundred and first Chapter of the Statute passed in the Seventh and Eighth Years of Her Majesty shall be repealed as provides that the Inhabitants in Vestry assembled of any Parish situated within the District for which any Collector or Assistant Overseer, appointed under any Order of the said Commissioners, now acts, may appoint such Collector or Assistant Overseer to discharge all the Duties of an Overseer of the Poor, in addition to those of Collector of Poor Rates for such Parish, and in the same Manner as if he were appointed thereto as an Assistant Overseer under the Provisions of an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King George the Third, intituled "An Act to amend the Laws for the Relief of the Poor;" and that wherever any such Collector or Assistant Overseer has been or may be appointed under any Order of the said Commissioners, and whilst the said Order remains in force, the Powers of any Vestry or Parish Officers, or of any other Persons other than the Board of Guardians of such Parish or Union (if a Board of Guardians have been constituted), to appoint any Collector or Assistant Overseer, and (if so directed by the said Commissioners) every Appointment under such Powers, shall cease: Provided, however, that henceforth no Person shall be nominated by the Inhabitants in Vestry assembled, and appointed by Justices or any other Authority, to collect the Poor Rates in any Parish for which the Guardians of the Union comprising such Parish, or the Guardians thereof, shall, under the Authority of any

any Order of the Poor Law Commissioners issued prior to the passing of the said Statute of the Seventh and Eighth Years of the Reign of Her Majesty, have appointed, or shall hereafter appoint, an Officer to collect the Poor Rates therein, until such Order shall be rescinded or otherwise determined.

Overseers and Vestry may purchase Parish Offices.

XV. The Overseers of any Parish, with the Consent of the Vestry, called after due Notice, and with the Consent of the Poor Law Board, signified by an Order under their Seal, may hire any Room, or purchase or take upon Lease or Exchange any Land or Building, or sell Land belonging to such Parish, and invest the Proceeds of such Sale in the Purchase of other Land and Building, or erect a suitable Building on any Land purchased or taken as aforesaid, for the Purpose of an Office for the Transaction of the Business of the Parish; and the Lands Clauses Consolidation Act, 1845, (except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands acquired by the Promoters of the Undertaking, but which shall not be wanted for the Purpose thereof,) shall, in so far as the same is consistent with this Act, be incorporated with this Act; and for the Purposes of this Act the Expressions "the Promoters of the Undertaking," or "the Secretary," whenever used in that Act, shall respectively mean the Overseers as aforesaid; and the Expression "Tolls or Rates," whenever used in the said first-mentioned Act, shall mean Monies to be raised for the Relief of the Poor; and all Lands and Premises which shall be so purchased or taken on Lease or Exchange by the Overseers as aforesaid of any Parish shall be conveyed, demised, and assured to such Overseers and their Successors, in trust for the Purposes aforesaid; and the yearly Rent reserved by any Lease shall be chargeable upon and paid out of the Monies to be raised for the Relief of the Poor of any such Parish, and shall be paid by the Overseers as aforesaid of such Parish as such Rent becomes payable; and if at any Time any such Rent be not paid within *Thirty* Days after it so becomes payable, and after Demand thereof in Writing, the Person to whom any such Rent shall be payable may either recover the same from the Overseers as aforesaid, with Costs of Suit, by Action of Debt in any Court of appropriate Jurisdiction, or may levy the same by Distress of the Goods and Chattels of any of the Overseers as aforesaid; and such Overseers may both provide the requisite Furniture and Fittings of such Room or such Building, and appoint and pay out of the Poor Rate such Persons to take care thereof, or of any Vestry Room provided under the Authority of the Fifty-seventh Chapter of the Statute of the Thirteenth and Fourteenth

Years of the Reign of Her Majesty, and to aid in the ordinary Business of the Parish, as the Vestry shall authorize and the Poor Law Board shall approve; and such Building and its Furniture shall be kept in good Condition and Repair at the Cost of the Poor Rate.

Fire Engine may be purchased for the Use of the Parish.

XVI. If the Vestry of any Parish, after due Notice, shall resolve that the Overseers shall provide any Fire Engine or Fire Escape for general Use in the Parish, the Overseers shall provide the same, and may pay out of the Poor Rate the Cost thereof, and of procuring and maintaining a proper Place wherein to keep the same, and of maintaining it in a fit State of Repair, and the Charges of such Persons as may be necessary for the Use thereof, and the Cost of suitable Implements and Accoutrements.

Emigration Money how disposed of.

XVII. Where any Sum of Money has been lawfully raised or borrowed for the Purpose of the Emigration of poor Persons, and the same shall not have been wholly expended for such Purpose, the Poor Law Board may, by their Order under Seal, direct the unexpended Amount of such Sum, where it has not been raised by borrowing, to be applied in aid of the current Rate, and where it has been borrowed, to be applied in reduction of the Balance of the Loan, or in aid of the current Rate, as the Case may require.

Recovery of Costs of Maintenance under suspended Orders of Removal.

XVIII. Where the Execution of an Order of Removal has been or shall be suspended by an Order of Justices, and either no Notice of Appeal has been given against such Order, or Notice having been given such Appeal has been abandoned or such Order of Removal confirmed, the Guardians of the Parish obtaining such Order, or of the Union comprising such Parish, as the Case may be, shall make out an Account quarterly of the Cost incurred in the Maintenance of the Pauper ordered to be removed and his Family (if any), and transmit the same to the Guardians of the Parish to which the Removal is ordered to be made, or to the Guardians of the Union comprising such Parish, and may recover such Amount, if not paid within *Three* Months after the same Account shall have been so transmitted, by Action in the County Court within whose Jurisdiction the said last-mentioned Parish or Union, or any Part thereof, shall be situated, and the Guardians of any Union paying such Amount shall charge the same to the Parish wherein the Settlement shall have been adjudged to be; and if any Dispute arise as to the proper Amount to be paid, the Matter may be referred by both Parties to the Poor Law Board, and their Decision thereon shall be conclusive.

No Order of Justices for such Order

XIX. No Order of Justices shall be made for the Recovery of the Costs and Charges under any such suspended Order as above referred to,

to, and no Charges shall be recovered in respect of any such Order made after the passing of this Act where the Account shall not have been transmitted within Twelve Months from the incurring thereof. to be obtained, and Limitation of Time.

XX. No Settlement shall be acquired by any Man by reason of his having married a Woman entitled to any Estate or Interest in Land by which she shall not at the Time of her Marriage have acquired a Settlement. Settlement by Estate of a married Woman.

XXI. Every illegitimate Child born after the passing of the Seventy-sixth Chapter of the Statute of the Fourth and Fifth of King William the Fourth, in respect of whom no Adjudication of Settlement shall have been heretofore made, shall retain the Settlement to which such Child was entitled immediately next before the Age of *Sixteen* until he shall have acquired another Settlement in his own Right. Settlement of illegitimate Children.

XXII. When a Poor Rate shall be made and assessed upon any Land or Premises, and the Occupier thereof is not living on such Land or Premises nor in the Parish for which the Rate shall be made, or the Owner, if assessed for such Rate in the place of the Occupier, is not living in such Parish, a Demand of the Rate in Writing delivered to the Person having the Custody of the Land or Premises, or if no such Person can be found then affixed upon some conspicuous Part of the Land or Premises, shall be deemed a sufficient Demand to justify Proceedings for the Nonpayment of such Rate; and where the Residence or Place of Abode of the Person assessed is not known to the Overseers, and cannot be ascertained upon Inquiry at the said Land or Premises, the Summons for the Nonpayment of the Rate may be served in like Manner. Demand of Poor Rate may be made on the Premises.

XXIII. When any Corporation or Company is assessed for a Poor Rate, a Demand for Payment, either made by Letter sent through the Post addressed to the Clerk or Secretary or other principal Officer of the Corporation or Company at the Office of such Corporation, or Company, or made personally upon such Clerk, Secretary, or Officer at such Office, shall be deemed sufficient, and a Summons for the Nonpayment of such Rate may be served in like Manner. Demand of Rate from a Corporation or a Company.

XXIV. Where in any Union Relief shall be given to any Person who, not being settled in the Parish where he resides, is exempt from Removal by reason of some Provision of the Sixty-sixth Chapter of the Statute of the Ninth and Tenth Years of Her Majesty, and it shall be sought to charge the Cost of such Relief upon the Common Fund of the Union, under the Authority of the Statute in force for the Time being in that Behalf, it shall be sufficient to show Settlement need not be proved in certain Cases.

the Residence or other Circumstances applicable to the Case which bring the same within the Operation of the said first-mentioned Statute, and that the Person is not settled in the said Parish wherein he shall have been residing when the Relief shall be given, without proving or establishing his Settlement elsewhere.

Chargeability of Wayfarers.

XXV. Where any destitute Wayfarer, Wanderer, or Foundling shall be or become chargeable upon the Common Fund of any Union, the Cost of the Relief of such Wayfarer, Wanderer, or Foundling shall continue to be charged to such common Fund until the Relief shall be discontinued.

Chargeability of sick Persons.

XXVI. Where any Person shall be or become chargeable upon the Common Fund of a Union, by reason of some Accident or Sickness which will not produce permanent Disability, the Chargeability upon such Fund shall cease when the Person shall be cured, and thenceforth if the Relief continue the Cost thereof shall be charged to the Parish where the poor Person shall be then residing unless he shall be in the Workhouse of the Union, and in such Case it shall be charged to the Parish wherein he was residing when he was removed to such Workhouse, and the Overseers of the Parish so charged may apply for and obtain an Order of Removal.

Private Rates to be estimated in the Calculation of Averages in Unions.

XXVII. When the Poor Law Board shall, in pursuance of the Twenty-eighth Section of the said Act of the Fourth and Fifth of William the Fourth, inquire into the Expense incurred by any Parish contained in any Union formed under the Authority of such Act for the Relief of the Poor belonging to such Parish, they shall inquire into and ascertain, so far as may be practicable, all such Expense as shall have been borne by the Poor Rate or any other parochial Rate, Property, or Fund, or any private Rate or general Subscription in lieu of a Rate among the Ratepayers or Inhabitants of any such Parish, and shall include the Amount thereof in the Calculation of the Averages for such Union.

Poor Law Board to appoint Auditors.

XXVIII. And whereas by the One hundred and first Chapter of the said Statute of the Seventh and Eighth Years of Her Majesty it is provided, "that the Chairman and Vice-Chairman of each Board of Guar-
" dians, or if there be no Chairman or Vice-Chairman of any Guardians,
" then some Two of their Number to be selected by such Guardians,
" or if there be no such Body, then some Two of the Overseers to be
" selected by the Overseers respectively acting within the District,
" shall elect, at the Time and in the Manner prescribed by the said
" Commissioners, a Person to be the Auditor of the District; but in
" any Case in which there are Two Vice-Chairmen appointed in any
" Board

" Board of Guardians, such Board of Guardians shall select One " of the Vice-Chairmen who shall vote in the Election of such " Auditor:" Be it enacted, That so much of the said Act as is above recited relating to the Election of District Auditors shall be repealed; and whenever the Office of Auditor, appointed or to be appointed under the Authority of the said Act, shall, after the *passing of this Act*, become vacant, or whenever an Auditor shall be ordered to be appointed for any District or Parish under the Authority of the said Act, or of the said Act of the Fourth and Fifth Years of King William the Fourth, it shall be lawful for the Poor Law Board, by Order under their Seal, to appoint a Person to be Auditor of such District or any Part thereof, or of such Parish, and the said Person so appointed shall have and do all the Powers, Matters, and Things which the Auditors of Districts under the said Act of Her Majesty have or are required or empowered to do; and the Provisions contained in the One hundred and ninth Chapter of the Act of the Tenth and Eleventh Years of Her Majesty, relative to the Salaries of the Persons therein mentioned, shall apply to the Salaries of the Persons to be appointed as Auditors by the Poor Law Board.

Notice of Appointment of Auditor to be inserted in London Gazette.

XXIX. Provided, That before such Auditor shall be empowered to act, a Notice of his Appointment shall be inserted in the London Gazette, and no further or other Notice of such Appointment shall be required.

Districts may be varied.

XXX. When the Office of Auditor of any such District shall become vacant at any Time after the passing of this Act, the Poor Law Board from Time to Time, as they may think fit, may, by Order under their Seal, combine such District for the Audit of Accounts, or any Part thereof, with any other District for that Purpose.

Overseers not qualified to be Assistant Overseers.

XXXI. No Person shall be qualified to be appointed to be an Overseer of the Poor in any Parish or Township who at the Time of the proposed Appointment shall be an Assistant Overseer of such Parish or Township; and no Person being an Overseer of any Parish or Township shall be qualified to be appointed an Assistant Overseer of such Parish or Township.

Repeal of 6 & 7 W. 4. c. 86. s. 10. requiring the Poor Law Commissioners to appoint Registrars in certain Places.

XXXII. So much of the Eighty-sixth Chapter of the Statute of the Sixth and Seventh Years of William the Fourth as provides that the Poor Law Commissioners shall appoint a Registrar to the temporary Districts therein referred to shall be repealed in respect of every District comprised in any Union or Parish in which the Relief of the Poor shall be administered by a Board of Guardians appointed under the

Authority of a Local Act; and such Board of Guardians shall henceforth appoint the Registrar for such Districts, in like Manner as the Guardians of the Poor in any Union formed under the Statute passed in the Fourth and Fifth Years of King William the Fourth.

Interpretation of Terms, and Consolidation of the Acts.

XXXIII. The Words used in this Act shall be construed in the like Manner as in the said Statute passed in the Fourth and Fifth Years of King William the Fourth; and the Provisions contained therein, and in the subsequent Acts explaining and extending the same, and not repealed, shall, so far as they shall be consistent herewith, be extended to this Act.

Short Title.

XXXIV. This Act may be cited as "The Poor Law Act, 1856."

Poor Law Amendment.

A

B I L L

To amend the Laws for the Relief of the Poor.

(Prepared and brought in by Mr. Bouverie and Mr. Grenville Berkeley.)

Ordered, by The House of Commons, *to be Printed,* 3 *April* 1856.

[Bill 84.] *Under 2 oz.*

Poor Law Amendment Bill.

(No. 2.)

ARRANGEMENT OF CLAUSES.

Every Extra-parochial Place to become a Parish for the Relief of the Poor and certain other Purposes. The Justices to appoint Overseers; Sect. 1.

One Overseer only may be appointed by the Justices; 2.

Provision for the Inns of Court; 3.

Justices at the Quarter Sessions may, upon Application and with Consent, annex any Extra-parochial Place to an adjoining Parish; 4.

Overseers may act as Guardians until there shall be Ratepayers qualified to elect; Provided that no paid Overseer shall act as Guardian; 5.

All the Powers and Obligations of Overseers extended to Overseers appointed under this Act; 6.

Provision for the Settlement of Persons in such Extra-parochial Places; 7.

Certain Places excepted; 8.

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Managers of District Schools empowered to apprentice Children; 12.

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Overseers and Vestry may purchase Parish Offices; 21.

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No Order of Justices for such Order to be obtained, and Limitation of Time; 25.

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Settlement of illegitimate Children; 27.

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Demand of Rate from a Corporation or a Company; 29.

Settlement need not be proved in certain Cases; 30.

Chargeability of Wayfarers; 31.

Chargeability of sick Persons; 32.

Private Rates to be estimated in the Calculation of Averages in Unions; 33.

Poor Law Board to appoint Auditors; 34.

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Effect of an extraordinary Audit; 37.

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Overseers not qualified to be Assistant Overseers; 40.

Repeal of 6 & 7 W. 4. c. 86. s. 10. requiring the Poor Law Commissioners to appoint Registrars in certain Places; 41.

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Amend the Laws for the Relief of the Poor.

WHEREAS it is desirable that Provisions should be made for the Relief of the Poor in Extra-parochial Places, and that the Laws for the Relief of the Poor should be amended in other respects: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Every Extra-parochial Place to become a Parish for the Relief of the Poor and certain other Purposes.

I. After the *Thirty-first Day of December One thousand eight hundred and fifty-six*, every Place entered separately in the Report of the Registrar General on the last Census which now is or is reputed to be extra-parochial, and wherein no Rate is levied for the Relief of the Poor, shall for all the Purposes of the Assessment to the Poor Rate, the Relief of the Poor, the Burial of the Dead, the Removal of Nuisances, the Registration of Parliamentary and Municipal Voters, and the Registration of Births and Deaths, be deemed a Parish, and shall be designated by the Name which is assigned to it in such Report; and the Justices of the Peace having Jurisdiction over such Place or over the greater Part thereof shall appoint Overseers of the Poor therein.

The Justices to appoint Overseers.

One Overseer only may be appointed by the Justices.

II. If in any such Extra-parochial Place as aforesaid it shall appear to the Justices that Two Overseers cannot conveniently be appointed from the Inhabitant Householders thereof, or are not required for such Place, such Justices may appoint One only, and if it shall appear to them that there is no such Householder liable or fit to be appointed they shall appoint some Inhabitant Householder of an adjoining Parish willing to serve to be such Overseer, either with or without an annual Salary, such Salary, if any, to be approved of by the Poor Law Board, and to be paid out of the Poor Rate of such Place; and such last-mentioned Appointment shall enure until the usual Time of the Appointment of Overseers, and may be renewed from Year to Year as long as the Justices shall find necessary.

Provision for the Inns of Court.

III. Provided, That in each of the Places termed the Inner Temple, the Middle Temple, and Gray's Inn the Officer for the Time being acting as the Under Treasurer of such Inn of Court shall be the Overseer of such Place; and in default of any such Officer, the Justices having Jurisdiction in such Inns respectively shall appoint some Inhabitant Householder therein to be the Overseer thereof for the then current Year, and thenceforth from Year to Year so long as the Office of Under Treasurer shall be vacant.

Justices at the Quarter Sessions may, upon Application, and with Consent, annex any Extra-parochial Place to an adjoining Parish.

IV. If the Inhabitants of any Extra-parochial Place shall desire to be comprised in or annexed to any other Parish, for the Purposes aforesaid, and shall express their Desire in Writing signed by the major Part of the Occupiers of Land therein, being in occupation of *Two Thirds* at least of the Land comprised in such Place, and such other Parish shall consent thereto, such Consent to be expressed by a Resolution of the Vestry, after due Notice, the Justices of the Peace in Quarter Sessions assembled, or the Recorder of the Borough if such Place be situated within a Borough subject to the Jurisdiction of a Recorder, may make an Order for the Annexation of such Place to such Parish, and thenceforth the same shall be deemed to be Part of the said Parish for all such Purposes.

Overseers may act as Guardians until there shall be Ratepayers qualified to elect.

V. If any such Place should be added to any Union the Overseer or Overseers thereof shall act as the Guardian or Guardians of such Place at the Board of Guardians of such Union until there shall be Ratepayers thereof qualified to elect a Guardian; provided that if the Poor Law Board should direct One Guardian only to be appointed for any such Place, and there shall be Two Overseers appointed for the same, the Overseer first appointed, or whose Name shall stand first in the Warrant of Appointment, shall act as such Guardian, and in the case of his Decease or Incapacity during the Year

Year of Office the other Overseer shall thenceforth act as such Guardian; provided also, that no such paid Overseer as aforesaid shall be authorized to act as a Guardian.

All the Powers and Obligations of Overseers extended to Overseers appointed under this Act.

VI. The Overseers or Overseer appointed under the Authority of this Act shall have all the Powers, Authorities, Privileges, Exemptions, and Protections which Overseers now or hereafter shall possess, and shall be subject to all the Obligations, Responsibilities, Penalties, and Consequences which Overseers are now or may hereafter be liable to.

Provision for the Settlement of Persons in such Extra-parochial Places.

VII. Every Person born in any Extra-parochial Place, whether added to or formed into a Parish before or after this Act, and every Person who shall have heretofore done any Act or acquired any Estate in any such Extra-parochial Place as last aforesaid, whereby he would have become legally settled therein if the same had been a Parish, shall, if he have not subsequently acquired a Settlement elsewhere, be deemed to be settled therein.

Certain Places excepted.

VIII. Provided, That nothing above contained shall apply to any Extra-parochial Place in respect whereof there shall be any Agreement or Arrangement, sanctioned or declared by any Local Act of Parliament, with any Parish as to the Liability of such Place to contribute to the Poor Rate of such Parish.

Consent of Guardians not required in certain Cases.

IX. The Poor Law Board may exercise the Powers contained in the Thirty-second Section of the Seventy-sixth Chapter of the Statute passed in the Fourth and Fifth Years of King William the Fourth, with respect to any Union of Parishes formed under the Eighty-third Chapter of the Statute of the Twenty-second Year of King George the Third, without such Concurrence of a Majority of not less than Two Thirds of the Guardians of such Union as in the said Act of William the Fourth is mentioned.

4 & 5 W. 4. c. 76. s. 39. to apply to single Parishes.

X. It is hereby declared that the Thirty-ninth Section of the said last-mentioned Statute of King William the Fourth applies to any single Parish in which the Provisions of the said Statute of George the Third shall have been adopted.

Poor Law Board may alter Number of District School Managers.

XI. The Poor Law Board may, in their Discretion, alter the Number of the Members of the Board of Management to be elected for any Union or Parish comprised within a School District formed under the One hundred and first Chapter of the Statute of the Seventh and Eighth Years of Her Majesty, or under the Eighty-second Chapter of the Statute of the Eleventh and Twelfth Years of Her Majesty.

Managers of District Schools empowered to bind Children apprentice.

XII. The Board of Management of any such District may, subject to the Rules and Regulations of the Poor Law Board to be made in that Behalf, bind Apprentice any Child in the School under their Management, in like Manner as the Guardians of the Union or Parish, or the Overseers of the Parish, from which such Child shall have been sent to such School, could have done, and shall charge the Premium (if any be given), and all the other Costs incurred by them in and about the Binding, in like Manner as the Cost of the Maintenance of the Child in the School.

Guardians of Parishes appointed under 4 & 5 W. 4. c. 76. s 39. to obtain Orders of Removal, &c.

XIII. The Guardians of any Parish for which a Board of Guardians shall have been or shall be appointed, under the Authority of the said Thirty-ninth Section of the said last-mentioned Statute of King William the Fourth, may make Complaint for and obtain in their own Name Orders of Removal, and defend any Appeal against any such Order, and may in such Name appeal against any Order directed to them, or to the Overseers of such Parish, in like Manner, and with the like Remedies, and subject to the like Liabilities, as the Overseers, and may appoint such Officers to conduct their Applications, and to remove the Persons ordered to be removed, for such Period and with such Salaries as the Poor Law Board shall approve.

Evidence of Consent of Poor Law Board.

XIV. In any Case where the Poor Law Commissioners or the Poor Law Board shall have given or refused, or shall hereafter give or refuse, their Consent, Sanction, or Approval in any Matter where their Order under Seal shall not have been expressly required, the Production of any written Document, signed or purporting to be signed by a Secretary or Assistant Secretary of the said Commissioners or the said Board, shall be primâ facie Evidence of the Decision of the said Commissioners or the said Board upon such Matter as aforesaid.

Repeal of the 4 & 5 W. 4. c. 76. s. 18. requiring Copies of Poor Law Board's Orders to be sent to Clerks of the Petty Sessions.

Copies of certain Orders to be sent to the Clerk of the Peace.

XV. So much of the Eighteenth Section of the said Act of the Fourth and Fifth Years of King William the Fourth as requires a written or printed Copy of every Rule, Order, or Regulation of the Poor Law Board, before the same shall come into operation in any Parish or Union, to be sent to the Clerk to the Justices of the Petty Sessions held for the Division in which such Parish or Union shall be situate, shall henceforth be repealed; but a Copy of every General Rule or Order of the said Board, and of every Order forming or altering any Union, or constituting a Board of Guardians in any Parish, or prescribing any Regulation for the Administration of Relief to the Poor in any Parish or Union, to be issued hereafter, shall be sent by the Poor Law Board to the Clerk of the Peace of every County in which every Union or Parish to which the same shall be

be addressed shall be situated, and the same shall be kept among the public Documents of the County; and any Owner of Property, or his Agent, or any Ratepayer, in any Union or Parish, shall be allowed to inspect the same, free of any Charge, at all reasonable Times, and to be furnished by such Clerk of the Peace with Copies of the same, paying for the same at a Rate not exceeding *Threepence* for every Folio of Seventy-two Words.

Remission of Surcharges and Disallowances need not be made by Order under Seal.

XVI. So much of the Fourth Section of the Statute of the Eleventh and Twelfth Years of the Reign of Her Majesty, Chapter Ninety-one, as requires the Poor Law Board to issue an Order under their Seal in Cases where they direct any Surcharge or Disallowance made by an Auditor to be remitted, shall be repealed; and such Direction, if given in Writing under the Hand of the President of the said Board, and be countersigned by a Secretary or Assistant Secretary, shall have the same Effect as if such Direction were given by such an Order as aforesaid.

Informal Poor Rate, if paid, to qualify Voters at the Election of Guardians.

XVII. Where Money has been collected in any Parish by an Assessment under the Name and as and for a Poor Rate, the same, unless it shall have been quashed by the Justices, shall be deemed to be a Rate made for the Relief of the Poor within the Meaning of the Fortieth Section of the said Act of the Fourth and Fifth Years of King William the Fourth, and the Sixteenth Section of One hundred and first Chapter of the Seventh and Eighth Years of Her present Majesty, notwithstanding any Defect in the Form of such Assessment.

Guardians may release Claims.

XVIII. The Guardians of any Parish or Union may, with the Consent of the Poor Law Board, compromise or release any Right, Claim, or Cause of Action accruing to them, either in respect of such Parish or Union respectively, or of any Parish comprised in such Union.

Persons relieved out of the Workhouse refusing to perform Task of Work rendered liable to be punished under the 5 G. 4. c. 83.

XIX. When the Guardians of any Union or Parish shall prescribe a Task of Work to be performed by any poor Person, to whom or to whose Wife or Child, whether legitimate or illegitimate, under the Age of *Sixteen*, Relief shall have been lawfully granted by such Guardians out of the Workhouse, such Task being suited to the Age, Sex, Strength, and Capacity of such Person, and being of a Nature and Description of which the Poor Law Board shall have previously approved, and such Person shall refuse or wilfully neglect to perform such Task, or shall wilfully destroy or damage any of the Tools, Materials, or other Property belonging to the said Guardians, he or she shall be deemed to be an idle and disorderly Person within the Meaning of the Eighty-third Chapter of the Statute of the Fifth Year of King George the Fourth, and shall be liable to be prosecuted

and punished in the Manner therein provided in respect of idle and disorderly Persons; and the Fifty-ninth Section of the One hundred and First Chapter of the said Statute of the Seventh and Eighth Years of Her Majesty shall apply to any such Prosecution.

Repeal of Part of 7 & 8 Vict. c. 101. s. 61.

XX. So much of the Sixty-first Section of the One hundred and first Chapter of the Statute passed in the Seventh and Eighth Years of Her Majesty shall be repealed as provides that the Inhabitants in Vestry assembled of any Parish situated within the District for which any Collector or Assistant Overseer, appointed under any Order of the said Commissioners, now acts, may appoint such Collector or Assistant Overseer to discharge all the Duties of an Overseer of the Poor, in addition to those of Collector of Poor Rates for such Parish, and in the same Manner as if he were appointed thereto as an Assistant Overseer under the Provisions of an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King George the Third, intituled "An Act to amend the Laws for the Relief of the Poor;" and that wherever any such Collector or Assistant Overseer has been or may be appointed under any Order of the said Commissioners, and whilst the said Order remains in force, the Powers of any Vestry or Parish Officers, or of any other Persons other than the Board of Guardians of such Parish or Union (if a Board of Guardians have been constituted), to appoint any Collector or Assistant Overseer, and (if so directed by the said Commissioners) every Appointment under such Powers, shall cease: Provided, however, that henceforth no Person shall be nominated by the Inhabitants in Vestry assembled, and appointed by Justices or any other Authority, to collect the Poor Rates in any Parish for which the Guardians of the Union comprising such Parish, or the Guardians thereof, shall, under the Authority of any Order of the Poor Law Commissioners issued prior to the passing of the said Statute of the Seventh and Eighth Years of the Reign of Her Majesty, have appointed, or shall hereafter appoint, an Officer to collect the Poor Rates therein, until such Order shall be rescinded or otherwise determined.

Overseers and Vestry may purchase Parish Offices.

XXI. The Overseers of any Parish, with the Consent of the Vestry, called after due Notice, and with the Consent of the Poor Law Board, signified by an Order under their Seal, may hire any Room, or purchase or take upon Lease or Exchange any Land or Building, or sell Land belonging to such Parish, and invest the Proceeds of such Sale in the Purchase of other Land and Building, or erect a suitable Building on any Land purchased or taken as aforesaid, for the Purpose of an Office for the Transaction of the Business of the Parish; and the Lands Clauses Consolidation Act, 1845, (except the Parts and Enactments of that Act with respect

respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands acquired by the Promoters of the Undertaking, but which shall not be wanted for the Purpose thereof,) shall, in so far as the same is consistent with this Act, be incorporated with this Act; and for the Purposes of this Act the Expressions "the Promoters of the Undertaking," or "the Secretary," whenever used in that Act, shall respectively mean the Overseers as aforesaid; and the Expression "Tolls or Rates," whenever used in the said first-mentioned Act, shall mean Monies to be raised for the Relief of the Poor; and all Lands and Premises which shall be so purchased or taken on Lease or Exchange by the Overseers as aforesaid of any Parish shall be conveyed, demised, and assured to such Overseers and their Successors, in trust for the Purposes aforesaid; and the yearly Rent reserved by any Lease shall be chargeable upon and paid out of the Monies to be raised for the Relief of the Poor of any such Parish, and shall be paid by the Overseers as aforesaid of such Parish as such Rent becomes payable; and if at any Time any such Rent be not paid within *Thirty* Days after it so becomes payable, and after Demand thereof in Writing, the Person to whom any such Rent shall be payable may either recover the same from the Overseers as aforesaid, with Costs of Suit, by Action of Debt in any Court of appropriate Jurisdiction, or may levy the same by Distress of the Goods and Chattels of any of the Overseers as aforesaid; and such Overseers may both provide the requisite Furniture and Fittings of such Room or such Building, and appoint and pay out of the Poor Rate such Persons to take care thereof, or of any Vestry Room provided under the Authority of the Fifty-seventh Chapter of the Statute of the Thirteenth and Fourteenth Years of the Reign of Her Majesty, and to aid in the ordinary Business of the Parish, as the Vestry shall authorize and the Poor Law Board shall approve; and such Building and its Furniture shall be kept in good Condition and Repair at the Cost of the Poor Rate.

Fire Engine may be purchased for the Use of the Parish.

XXII. If the Vestry of any Parish, after due Notice, shall resolve that the Overseers shall provide any Fire Engine, Ladder, or Fire Escape for general Use in the Parish, the Overseers shall provide the same, and pay out of the Poor Rate the Cost thereof, and of procuring and maintaining a proper Place wherein to keep the same, and of maintaining it, as well as any such Engine, Ladder, or Escape acquired by the Parish in any other Manner for such Use, in a fit State of Repair, and the Charges of such Persons as may be necessary for the Use thereof, and the Cost of suitable Implements and Accoutrements.

Emigration Money how disposed of.

XXIII. Where any Sum of Money has been lawfully raised or borrowed for the Purpose of the Emigration of poor Persons, and the same shall not have been wholly expended for such Purpose, the Poor Law Board may, by their Order under Seal, direct the unexpended Amount of such Sum, where it has not been raised by borrowing, to be applied in aid of the current Rate, and where it has been borrowed, to be applied in reduction of the Balance of the Loan, or in aid of the current Rate, as the Case may require.

Recovery of Costs of Maintenance under suspended Orders of Removal.

XXIV. Where the Execution of an Order of Removal heretofore or hereafter to be made has been or shall be suspended by an Order of Justices, and either no Notice of Appeal has been given against such Order, or Notice having been given such Appeal has been abandoned or such Order of Removal confirmed, the Guardians of the Parish on behalf whereof such Order shall have been obtained, or of the Union comprising such Parish, as the Case may be, shall make out an Account, within Three Months after the passing of this Act up to that Time, and thenceforth quarterly, of the Cost incurred in the Maintenance of the Pauper ordered to be removed and his Family (if any), and transmit the same to the Guardians of the Parish to which the Removal is ordered to be made, or to the Guardians of the Union comprising such Parish, and may recover the Amount, if not paid within *Three* Months after the same Account shall have been so transmitted, by Action in the County Court within whose Jurisdiction the said last-mentioned Parish or Union, or any Part thereof, shall be situated, and the Guardians of any Union paying such Amount shall charge the same to the Parish wherein the Settlement shall have been adjudged to be; and if any Dispute arise as to the proper Amount to be paid, the Matter may be referred by both Parties to the Poor Law Board, and their Decision thereon shall be final.

No Order of Justices for such Order to be obtained, and Limitation of Time.

XXV. No Order of Justices shall be made for the Recovery of the Costs and Charges under any such suspended Order as above referred to, and no Charges shall be recovered in respect of any such suspended Order made after the passing of this Act where the Account of such Charges shall not have been transmitted within Twelve Months from the incurring thereof.

Settlement by Estate of a married Woman.

XXVI. No Settlement shall be acquired by any Man by reason of his having married a Woman entitled to any Estate or Interest in Land by which she shall not at the Time of her Marriage have acquired a Settlement.

XXVII. Every

Settlement of illegitimate Children.

XXVII. Every illegitimate Child born after the passing of the Seventy-sixth Chapter of the Statute of the Fourth and Fifth of King William the Fourth, in respect of whom no Adjudication of Settlement shall have been heretofore made, shall retain the Settlement to which such Child was entitled immediately next before the Age of *Sixteen* until he shall have acquired another Settlement in his own Right.

Demand of Poor Rate may be made on the Premises.

XXVIII. When a Poor Rate shall be made and assessed upon any Land or Premises, and the Occupier thereof is not living on such Land or Premises nor in the Parish for which the Rate shall be made, or the Owner, if assessed for such Rate in the place of the Occupier, is not living in such Parish, a Demand of the Rate in Writing delivered to the Person having the Custody of the Land or Premises, or if no such Person can be found then affixed upon some conspicuous Part of the Land or Premises, shall be deemed a sufficient Demand to justify Proceedings for the Nonpayment of such Rate; and where the Residence or Place of Abode of the Person assessed is not known to the Overseers, and cannot be ascertained upon Inquiry at the said Land or Premises, the Summons for the Nonpayment of the Rate may be served in like Manner.

Demand of Rate from a Corporation or a Company.

XXIX. When any Corporation or Company is assessed for a Poor Rate, a Demand for Payment, either made by Letter sent through the Post addressed to the Clerk or Secretary or other principal Officer of the Corporation or Company at the Office of such Corporation, or Company, or made personally upon such Clerk, Secretary, or Officer at such Office, shall be deemed sufficient, and a Summons for the Nonpayment of such Rate may be served in like Manner.

Settlement need not be proved in certain Cases.

XXX. Where in any Union Relief shall be given to any Person who not being settled in the Parish where he resides, is exempt from Removal by reason of some Provision of the Sixty-sixth Chapter of the Statute of the Ninth and Tenth Years of Her Majesty, and it shall be sought to charge the Cost of such Relief upon the Common Fund of the Union, under the Authority of the Statute in force for the Time being in that Behalf, it shall be sufficient to show the Residence or other Circumstances applicable to the Case which bring the same within the Operation of the said first-mentioned Statute, and that the Person is not settled in the said Parish wherein he shall have been residing when the Relief shall be given, without proving or establishing his Settlement to be elsewhere.

Chargeability of Wayfarers.

XXXI. Where any destitute Wayfarer, Wanderer, or Foundling shall be or become chargeable upon the Common Fund of any Union, the Cost of the Relief of such Wayfarer, Wanderer, or Foundling shall

continue to be charged to such common Fund until the Relief shall be discontinued.

Chargeability of sick Persons.

XXXII. Where any Person shall be or become chargeable upon the Common Fund of a Union, by reason of some Accident or Sickness which will not produce permanent Disability, the Chargeability upon such Fund shall cease when the Person shall be cured, and thenceforth if the Relief continue the Cost thereof shall be charged to the Parish where the poor Person shall be then residing unless he shall be in the Workhouse of the Union, and in such Case it shall be charged to the Parish wherein he was residing when he was removed to such Workhouse, and the Overseers of the Parish so charged may apply for and obtain an Order of Removal.

Private Rates to be estimated in the Calculation of Averages in Unions.

XXXIII. When the Poor Law Board shall, in pursuance of the Twenty-eighth Section of the said Act of the Fourth and Fifth of William the Fourth, inquire into the Expense incurred by any Parish contained in any Union formed under the Authority of such Act for the Relief of the Poor belonging to such Parish, they shall inquire into and ascertain, so far as may be practicable, all such Expense as shall have been borne by the Poor Rate or any other parochial Rate, Property, or Fund, or any private Rate or general Subscription in lieu of a Rate among the Ratepayers or Inhabitants of any such Parish, and shall include the Amount thereof in the Calculation of the Averages for such Union.

Poor Law Board to appoint Auditors.

XXXIV. And whereas by the One hundred and first Chapter of the said Statute of the Seventh and Eighth Years of Her Majesty it is provided, "that the Chairman and Vice-Chairman of each Board of Guar-
" dians, or if there be no Chairman or Vice-Chairman of any Guardians,
" then some Two of their Number to be selected by such Guardians,
" or if there be no such Body, then some Two of the Overseers to be
" selected by the Overseers respectively acting within the District,
" shall elect, at the Time and in the Manner prescribed by the said
" Commissioners, a Person to be the Auditor of the District; but in
" any Case in which there are Two Vice-Chairmen appointed in any
" Board of Guardians, such Board of Guardians shall select One
" of the Vice-Chairmen who shall vote in the Election of such
" Auditor:" Be it enacted, That so much of the said Act as is above recited relating to the Election of District Auditors shall be repealed; and whenever the Office of Auditor, appointed or to be appointed under the Authority of the said Act, shall, after the *passing of this Act*, become vacant, or whenever an Auditor shall be ordered to be appointed for any District or Parish under the Authority of the said Act, or of the said Act of the Fourth and Fifth Years of

of King William the Fourth, it shall be lawful for the Poor Law Board, by Order under their Seal, to appoint a Person to be Auditor of such District or any Part thereof, or of such Parish, and the said Person so appointed shall have all the Powers and Protections, and shall do all the Matters and Things, which the Auditors of Districts under the said Act of Her Majesty have or are required or empowered to do; and the Provisions contained in the One hundred and ninth Chapter of the Act of the Tenth and Eleventh Years of Her Majesty, relative to the Salaries of the Persons therein mentioned, shall apply to the Salaries of the Persons to be appointed as Auditors by the Poor Law Board.

Notice of Appointment of Auditor to be inserted in London Gazette.

XXXV. Provided, That before such Auditor shall be empowered to act, a Notice of his Appointment shall be inserted in the London Gazette, and no further or other Notice of such Appointment shall be required.

Districts may be varied.

XXXVI. When the Office of Auditor of any such District shall become vacant at any Time after the passing of this Act, the Poor Law Board from Time to Time, as they may think fit, may, by Order under their Seal, combine such District for the Audit of Accounts, or any Part thereof, with any other District for that Purpose.

Effect of an extraordinary Audit.

XXXVII. When the Poor Law Board shall require an Auditor to hold an Extraordinary Audit of the Accounts of any Guardians or of any Officer, whether still continuing, or upon his Resignation or Removal from Office, such Audit shall be deemed to be an Audit within the Meaning of the several Acts relating to the Audit of the Accounts of the Poor Rate.

Auditor empowered to inspect Books at any Time.

XXXVIII. The Auditor who shall be authorized to audit the Accounts of any Guardians, Overseers, or Officers may, at any Time, when authorized or required by the Poor Law Board so to do, inspect the Accounts and Books of Account of any Guardians, Overseer, or any Officer liable to account to him; and any such Overseer or Officer who shall refuse to allow him to inspect the same, or obstruct him in such Inspection, or shall conceal any such Account or Book for the Purpose of preventing such Inspection, shall forfeit a Sum not exceeding *Five Pounds*, to be recovered as a Penalty under the said Act of the Fourth and Fifth of King William the Fourth, and to be applied to the Use of the Parish or Union for which such Overseer or Officer respectively shall act.

Accounts under 3 & 4 W. 4. c. 90. to be

XXXIX. When the Provisions of the Statute Third and Fourth of William the Fourth, Chapter Ninety, or any Part thereof, shall have been

subject to Audit.

been adopted in any Parish or in any Part thereof, the Accounts of the Inspectors, their Treasurer, the Overseers, the Collectors, and of every other Officer receiving or expending Monies under the Authority of such Statute, shall be submitted to the Auditor appointed to audit the Accounts relating to the Poor Rate in the said Parish, at the Time when he audits such Rate, and with the like Liability and Consequences as by Law attach to the Overseers; and the Auditor shall have the same Power, and be under the same Obligation to allow or disallow such Accounts, and to surcharge, certify, and recover all such Sums as he shall find due from the Persons accounting or making or authorizing any Payment, with the like Right of Appeal to any Person aggrieved by his Decision, as in the Case of the Poor Rate; and the Poor Law Board may, as and when they shall see fit, make Regulations for the keeping of the said Accounts, and their Inspection by all Persons interested; and thenceforth it shall not be necessary for the Inspectors to verify their Accounts before the Justices; and if any Inspector go out of Office before the Time of the Audit shall have arrived, he shall continue responsible to the Audit in respect of all Matters and Payments made by him or under his Authority up to the Time of his so going out of Office; but nothing herein contained shall exempt the Treasurer and other Officers from accounting to the Inspectors, when required so to do, under the Provisions of the said Act; provided that the First Audit of the Accounts by such Auditor shall not take place until *Michaelmas One thousand eight hundred and fifty-seven.*

Overseers not qualified to be Assistant Overseers.

XL. No Person shall be qualified to be appointed to be an Overseer of the Poor in any Parish or Township who at the Time of the proposed Appointment shall be an Assistant Overseer of such Parish or Township; and no Person being an Overseer of any Parish or Township shall be qualified to be appointed an Assistant Overseer of such Parish or Township.

Repeal of 6 & 7 W. 4. c. 86. s. 10. requiring the Poor Law Commissioners to appoint Registrars in certain Places.

XLI. So much of the Eighty-sixth Chapter of the Statute of the Sixth and Seventh Years of William the Fourth as provides that the Poor Law Commissioners shall appoint a Registrar to the temporary Districts therein referred to shall be repealed in respect of every District comprised in any Union or Parish in which the Relief of the Poor shall be administered by a Board of Guardians appointed under the Authority of a Local Act; and such Board of Guardians shall henceforth appoint the Registrar for such Districts, in like Manner as the Guardians of the Poor in any Union formed under the Statute passed in the Fourth and Fifth Years of King William the Fourth.

XLII. The

Interpretation of Terms, and Consolidation of the Acts.

XLII. The Words used in this Act shall be construed in the like Manner as in the said Statute passed in the Fourth and Fifth Years of King William the Fourth; and the Provisions contained therein, and in the subsequent Acts explaining and extending the same, and not repealed, shall, so far as they shall be consistent herewith, be extended to this Act.

Short Title.

XLIII. This Act may be cited as "The Poor Law Act, 1856."

Poor Law Amendment.

(No. 2.)

A

B I L L

To amend the Laws for the Relief of the Poor.

(*Prepared and brought in by Mr. Bouverie and Mr. Grenville Berkeley.*)

Ordered, by The House of Commons, *to be Printed,* 23 *May* 1856.

[Bill 146.]

Under 2 oz.

Poor Law (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

No Person to vote for more Rent or Tithe than rated Value of Property; Sect. 1.

Non-occupying Ratepayers to give Statement of Property in respect of which they claim to vote; 2.

Proxies to be limited to Five Years; 3.

List of Claimants to be made by Clerk of Union; 4.

Objections in Writing may be taken to Right to vote; 5.

Hearing of Objections; 6.

Revising Officer to have Power to summon Witnesses and examine on Oath; 7.

Paid Officer may be appointed for Revision; 8.

Poor Law Inspectors to act as Returning Officers in contested Election of Guardians; 9.

To hear Appeals from Decisions of Revising Officer; 10.

Notice may be by Post; 11.

Costs of frivolous Appeals and Defences; 12.

Collectors of Poor Rate to fill in Duplicate Receipts for Landlords with Name of Landlord; 3.

Retailers of Malt and Spirits not to be elected Guardians or on Dispensary Committees; 14.

Existing Proxies to cease; 15.

Valuations not to be interfered with; 16.

(Ireland.)

A

B I L L

FURTHER TO

Amend the Acts for the more effectual Relief of the destitute Poor in Ireland.

WHEREAS it is expedient that certain Amendments should be made in the Provisions of an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her Majesty the Queen, and Chapter Fifty-six, intituled " An Act for the more effectual Relief of the destitute Poor in " Ireland," and in other Acts amending the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 1 & 2 Vict. c. 56.

I. No Person receiving Rent or Tithe shall be entitled to vote in respect thereof for any greater Amount of Rent or Tithe than the actual Value of the Property out of which such Claim arises, according to the Valuation of the same in the Survey or Valuation of rateable Hereditaments for the Time being in force in the Union, and no Person shall be entitled to vote in respect of any Rent derived from any Portion of Premises less than the entire of One Rating let by him to One Tenant. No Person to vote for greater Amount of Rent or Tithe than the rated Value of the Property.

Non-occupying Ratepayers to give full Description of Property in respect of which they claim to vote, and of their Interest therein.

II. No Ratepayer shall be entitled to vote either in Person or by Proxy in respect of any Property not being in his actual Occupation, or to give any Vote in addition to the Vote or Votes to which he would be entitled as an Occupier paying Rent equal to the annual Value of the Property in his actual Occupation, unless he or his Proxy shall, before the *First Day of February* next preceding the Twenty-fifth Day of March in the Year in which he shall claim to vote, have given a Statement in Writing of the Name and Address of such Ratepayer, and the Description and local Situation of the Property in respect of which he claims to vote, specifying in Cities, Towns, and their Suburbs, having Streets and other Roadways, the Name of the Street or Roadway and the Number of the House or Tenement, if any, and the Parish in which the Property is situate, and in other Places the Barony, Parish, and Townland, so that the Property may be ascertained and identified with reasonable Certainty, together with the Nature of the Interest of the Ratepayer therein, and its net annual Value over and above all Rents payable by him, and the Amount of Rent payable to him, and the Names of the Tenants or Occupiers by whom Poor Rates have been deducted from such Rent.

Proxies to be limited to Five Years.

III. The Appointment by a Ratepayer of a Person to vote as his Proxy shall, unless sooner revoked, remain in force for the Period of *Five* Years from the Date of the Appointment, but no longer, and may be revoked at any Time.

Book of Property Voters to be made out.

IV. The Guardians of the Poor of each Union in Ireland shall, on or before the *Fifth Day of February* in every Year, cause to be entered in a Book to be from Time to Time provided for that Purpose, and to be called the Book of Property Voters, the Names and Addresses of all Persons who shall, before the *First Day of February* in the said Year, have given such Statements in Writing, and made such Claims as Ratepayers or Proxies as aforesaid; and in the Cases of Cities or Towns the Guardians shall cause all Claims lodged with them arising out of Property within the same to be arranged in Wards and Streets, and according to the numerical Order of the Property out of which such Claim is made; and the said Guardians shall allow any Person to peruse such Book and make Extracts therefrom, without Payment of any Fee, at all reasonable Hours on any Day, except Sundays, between the said *Fifth Day* and the *Twentieth Day of February*.

Objections in Writing to Right to vote.

V. Any Person who has given such Statement or made such Claim as aforesaid, or who is rated as an Occupier or Owner of an Hereditament in any Electoral Division of a Union, may, on or before the *Twentieth Day of the said Month of February*, object to any other Person

Person as not being entitled to vote in Person or by Proxy in the Election of Guardians for the same Electoral Division, or to his Right to have the Number of Votes claimed by or assigned to him, and may also object to any Person claiming to vote as a Proxy as not being authorized to act as such Proxy by delivering to the Clerk of the Union, and at the Address of the Person so objected to, or forwarding the same to his Address in an Envelope prepared and properly directed, Notice in Writing of the Grounds of such Objection; and on or before the *Twenty-fifth Day of such Month of February* such Clerk of the Union shall give to the Guardians of the Poor of such Union Notice of some Day, not sooner than the *First* nor later than the *Fifth Day of the Month of March* then next, on which he or some Person duly appointed for the Purpose shall attend to hear Evidence in relation to such Objections, and of the Place within the Union at which he or such other Person shall attend to hear such Evidence; and such Guardians of the Poor shall forthwith cause a Copy of such Notice to be published in One or more of the Newspapers having Circulation in such Union, and in the usual Places for affixing public Notices in the said Union or Electoral Division.

Hearing of Objections.

VI. The Clerk of the Union or other Person duly appointed shall attend on the Day and at the Place so appointed, and shall in the Presence of all Persons who may think fit to be present hear any Matter adduced in support of any such Objection or in opposition thereto, but none other; and the Rate Books of the Union for the whole Year preceding, and the Book of Property Voters as aforesaid, shall be produced; and the Collectors of Poor Rates for the Union or Electoral Division shall then and there attend, and shall answer such Questions as the said Clerk of the Union or other Revising Officer shall put to them, or any of them, touching the Matter of any of such Objections; and such Clerk of the Union or other Revising Officer shall retain in the said Book of Property Voters and on the Rate Book the Names of all Persons to whom no Objection has been duly made, and of all Persons objected to, unless the Person objecting, or some Person duly authorized on his Behalf, have appeared in support of his Objection, and established the making of such Objection; and when the Name of any Person has been duly objected to, such Clerk or other Revising Officer shall require Proof of the Right of such Person to vote as a Ratepayer in respect of the Premises out of which he claims, or is stated to be entitled to vote, or to have the Number of Votes claimed or assigned to him, or to act as Proxy on behalf of any Ratepayer; and in case the Right of the Person so objected to shall not be proved to the Satisfaction of such Clerk of the Union or other Revising Officer, he shall expunge the Name of such Person from such Book, or shall disallow such Votes in part or wholly, or

such Claim to act as Proxy, according to the Right and Justice of the Case; and such Clerk or other Revising Officer shall have Power to adjourn from Time to Time, and shall write his Initials against every Name struck out, or Number of Votes altered, and shall sign his Name at the Foot of every Page of the said Book of Property Voters and of the said Rate Book; and the Persons whose Names as Ratepayers or Proxies are retained by such Clerk of the Union or other Revising Officer in such Books shall (subject to the Provisions herein-after contained respecting Appeals from such Decisions), be the only Persons entitled to vote as Ratepayers or Proxies in such Electoral Division or Union; provided that every Person whose Name shall appear as a rated Occupier or Property Voter in any Book in force at the Time of any Revision taking place in or after the Year *One thousand eight hundred and fifty-seven*, shall be primâ facie entitled at such Revision to have such Votes, and in respect of such Property or Occupation as is stated in the said Book then in force, until it shall be proved to the contrary.

Revising Officer to have Power to summon Witnesses, and examine on Oath.

VII. The Clerk of the Union or other Revising Officer shall have Power to summon as Witnesses any Persons whose Evidence may appear to be material, and shall administer an Oath or Affirmation to all Persons examined before him, and all Persons whether claiming or objecting or objected to, and all Persons whomsoever, shall be examined on Oath or Affirmation touching the Matters in question, and every Person taking an Oath or Affirmation under this Act who shall wilfully swear or affirm falsely shall be deemed guilty of Perjury.

Paid Officer may be appointed when necessary for Revision of Lists.

VIII. The Poor Law Commissioners may, if they see fit, by Order under their Hands and Seal, appoint some Person other than the Clerk to such Guardians as a paid Officer to hear and decide the Matter of such Objections as aforesaid, who shall have all such Powers as are herein-before given to the Clerk of the Union, and shall perform all such Duties as are herein-before imposed on the Clerk in that Behalf.

Poor Law Inspectors to be Returning Officers in case of contested Elections of Guardians.

IX. In all Cases of contested Elections of Guardians of the Poor the Poor Law Commissioners shall appoint as Returning Officer at such Elections One of the Poor Law Inspectors, or in failure of such a Barrister of not less than *Ten* Years standing, and such Returning Officer shall perform such Duties as the said Commissioners shall have prescribed, and make a true Return in Writing to the Commissioners of the Persons who shall be elected Guardians, and such Inspector or Barrister shall be paid or allowed such Payment or Remuneration for his Services as shall appear to the said Poor Law Commissioners just and reasonable.

X. In

X. In case of a contested Election the Returning Officer shall and may rehear by way of Appeal any Objection or Claim made and decided on by the Clerk of the Union or other Revising Officer, and shall finally adjudicate in respect of the same, and alter and amend the said Book of Property Voters or the said Rate Book in conformity with such his Decision, and shall have the like Power and Authority as to summoning and Examination of Witnesses and Administration of Oaths and Affirmations and otherwise as the said Clerk of the Union might have had; provided that no such Appeal shall be entertained unless Notice thereof, signed by the Person complaining of the Decision of the said Revising Officer, shall have been given on or before the *Tenth Day of March* in the said Year to the Clerk of the Union, and also at the Address of the Party objected to as in manner herein-after provided.

Returning Officer to hear Appeals from Decision of Revising Officer.

XI. In all Cases of Notice to any Person objected to as not being entitled to vote in Person or by Proxy in the Election of Guardians for the same Electoral Division, or to have the Number of Votes claimed by or assigned to him, or to vote as Proxy, and in all Cases of Appeal under this Act, it shall be sufficient if the Notice so required to be given as aforesaid shall be sent by the Post, the Sum chargeable as Postage for the same being first paid, directed to the Person to whom the same shall be sent at his Place of Abode as described in the List of Voters as aforesaid; and whenever any Person shall be desirous of sending any such Notice of Objection or Appeal, as the Case may be, by the Post, he shall deliver, the same duly directed, open and in Duplicate to the Postmaster of any Post Office where Money Orders are received or paid within such Hours as shall have been previously given Notice of at such Post Office, and under such Regulations with respect to the Registration of such Letters as shall from Time to Time be made by the Postmaster General in that Behalf; and the Postmaster shall compare the said Notice and the Duplicate, and on being satisfied that they are alike in their Address and in their Contents shall forward one of them to its Address by the Post, and shall return the other to the Party bringing the same, duly stamped with the Stamp of the said Post Office; and the Production by the Party who posted such Notice of such stamped Duplicate shall be Evidence of the Notice having been given to the Person at the Place mentioned in such Duplicate on the Day on which such Notice would in the ordinary Course of Post have been delivered at such Place: Provided always, that if no Abode of the Person objected to shall be described in the said List, or if such Place of Abode shall be situate out of the United Kingdom, then it shall be sufficient if such Notice shall be given to the Clerk of the Union in which the Property shall be situate out of which such Person shall claim to vote.

Notice may be by Post.

Costs of frivolous Appeals and Defences.

XII. In case it shall appear to the Returning Officer that any Appeal shall have been made or resisted under this Act on frivolous or vexatious Grounds, such Returning Officer may at his Discretion order the Person so making or resisting such Appeal to pay such Costs or any Part of the Costs of prosecuting or resisting such Appeal, not exceeding in any One Case the Sum of *Twenty Shillings*, as he shall consider to be just; and he shall not hear or entertain any Appeal or Defence to an Appeal by or on behalf of the same Person until such Costs have been paid to the Person entitled to receive the same, or deposited in the Hands of the Returning Officer for the Use of the Person so entitled; and such Costs may be recovered by Civil Bill where any such Order for Payment of Costs shall have been made by the Returning Officer.

Poor Rate Collectors to fill in Name of Landlord in Duplicate Receipts.

XIII. Every Collector of Poor Rates shall, when giving to any Ratepayer a Duplicate Receipt for Poor Rates for the Landlord of such Ratepayer, enter therein the Name of such Landlord according to the Statement of such Ratepayer, and shall make an Entry of such Name in the Counterpart of such Receipt in the Rate Receipt Cheque Book which he shall keep, and shall not issue any such Duplicate for a Landlord without such Information being required and given.

Retailers of Malt and Spirits not to be elected Guardians or on Dispensary Committees.

XIV. From and after the *passing of this Act* no Person who shall be licensed to sell Malt or Spirituous Liquor by Retail shall be elected as a Guardian of the Poor of any Union in Ireland or Electoral Division thereof, or as a Member of any Dispensary Committee formed under the Provisions of an Act passed in the Session of Parliament holden in the Fourteenth and Fifteenth Years of the Reign of the Queen, and Chapter Sixty-eight, and intituled "An Act to "provide for the better Distribution, Support, and Management of "the Medical Charities in Ireland; and to amend an Act of the "Eleventh Year of Her Majesty, to provide for the Execution of the "Laws for the Relief of the Poor in Ireland."

Existing Proxies to cease.

XV. All Appointments to vote by way of Proxy made before the *passing of this Act* shall be inoperative and cease.

Valuations not to be interfered with.

XVI. Nothing in this Act contained shall be taken to authorize any Revising Officer or Returning Officer to entertain any Objection or to make any Alteration in any Book in respect of the Valuation of any Hereditament rated to the Relief of the Poor.

Poor Law (Ireland).

A

B I L L

FURTHER TO

Amend the Acts for the more effectual Relief of the destitute Poor in Ireland.

(Prepared and brought in by Mr. Napier and Mr. Grogan.)

Ordered, by The House of Commons, *to be Printed,* 10 *April* 1856.

[Bill 96.]

Under 2 oz.

21 *May* 1856. 19 Vict.

(Scotland.)

A

BILL

TO

Amend the Law relating to the Relief of the Poor in Scotland.

WHEREAS an Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An "Act for the Amendment and better Administration of "the Laws relating to the Relief of the Poor in Scotland," and it is expedient that the said Act should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble. 8 & 9 Vict. c. 83.

I. It shall be lawful for the Board of Supervision acting in the Execution of the recited Act, with the Consent of Her Majesty's Principal Secretary of State for the Home Department, to appoint by their Order in Writing Two fit Persons to be General Inspectors of the Poor in Scotland, to assist in the Execution of the said Act, or of any other Act which shall hereafter be in force for the Relief of the Poor in Scotland; and such General Inspectors shall upon their Appointment severally take an Oath de fideli administratione officii, which may be administered by any Member of the Board of Supervision, or any one of the Judges of the Court of Session, or the Sheriff of the County; and it shall be lawful for such Secretary of State to assign to such

Two General Inspectors to be appointed.

General Inspectors the Superintendence of any District or Districts in Scotland, and also the Execution and Performance of all such Duties under the recited Act as such Secretary shall think fit, and the said Board of Supervision may, with such Consent as aforesaid, remove such General Inspectors or either of them, and appoint another or others in his or their Stead, and there shall be paid to such General Inspectors severally such Salary as, upon the Recommendation of the Board of Supervision, the Commissioners of Her Majesty's Treasury shall from Time to Time regulate and allow.

Powers and Duties of General Inspectors.

II. The General Inspectors and each of them shall be entitled to execute all the Powers which are by the recited Act conferred upon the Commissioners and Inspectors thereby authorized or directed to be appointed, as well as all the Duties under the said Act which they shall be directed to execute by such Secretary of State.

This and recited Act to be construed as One Act.

III. This Act and the recited Act shall, as far as is necessary for the Purposes of this Act, be construed as One Act.

Poor Law Amendment (Scotland.)

A

B I L L

To amend the Law relating to the Relief of the Poor in Scotland.

(*Prepared and brought in by The Lord Advocate and Viscount Duncan.*)

Ordered, by The House of Commons, *to be Printed,* 21 *May* 1856.

[Bill 137.]

Under 1 *oz.*

Prisons (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 7 G. 4. c. 74., 6 & 7 W. 4. c. 51., 3 & 4 Vict. c. 44., 5 & 6 Vict. c. 95., and 12 & 13 Vict. c. 97. s. 51.

Recited Acts incorporated; Section 1.

Interpretation; 2.

Jurisdiction of Queen's Bench under Prisons Act transferred to Lord Lieutenant; 3.

Section 4. of Prisons Act, and Sect. 1. of 3 & 4 Vict. c. 44. repealed. Board of Superintendence, with Approval of Grand Jury and Lord Lieutenant, to make Byelaws. In case the Board of Superintendence shall neglect, Lord Lieutenant may make Byelaws. Local Inspector to see that Byelaws are observed; 4.

Board of Superintendence to report Fire or sudden Accident to Inspectors General. Report of Completion of Works to be forwarded to Inspectors General. Annual Returns to be in the Form in Prisons Act or in such Form as the Lord Lieutenant shall direct; 5.

Commissioners to be appointed under Prisons Act reduced; 6.

Prisons may be lighted with Gas; 7.

Sections 20. and 21. of the Prisons Act repealed. Building, rebuilding, altering, and enlarging Prisons; 8.

Section 91. of Prisons Act repealed. Bridewells to be built in Towns in which Criminal Sessions are held; 9.

Sections 65. and 71. of Prisons Act partly, and Section 75. wholly, repealed. No Ecclesiastic to be appointed Local Inspector; 10.

Chaplain may appoint Substitute. Chaplain to report Abuses and keep Journal; 11.

Cots and Hammocks may be provided for Prisoners. Sheets shall be allowed to each Bed; 12.

Prison Dresses shall be worn by all Prisoners unless Board of Superintendence shall otherwise by special Order direct. Lord Lieutenant may rescind Order of Board; 13.

Governor may confine Prisoner with a Class different from his own; 14.

Unconvicted Persons may purchase Food at their own Expense; 15.

Convicted Prisoners shall be supplied with Food at Public Expense; 16.

Deputy Marshal, Hatchmen, and inferior Officers of Four Courts Marshalsea to be appointed by Lord Lieutenant; 17.

All Prison Officers to be appointed by Board of Superintendence. This Section not to extend to Richmond Bridewell or Grange Gorman Female Penitentiary; 18.

Appointments of Prison Officers other than Local Inspector, Chaplain, or Medical Officer, to be probationary in the first instance; 19.

Governor to give Security; 20.

Governor may be required to give additional Security; 21.

Lord Lieutenant may dismiss Governor, Local Inspector, Chaplain, and Medical Officer. This Section not to extend to Richmond Bridewell or Grange Gormon Female Penitentiary; 22.

Provisions of Acts authorizing Superannuation of certain Officers of Prisons extended to all Officers thereof; 23.

Governor of County Gaol shall be Governor of House of Correction; 24.

Repeal of Sect. 93. of Prisons Act. Local Inspector of County Gaol to be Local Inspector of Bridewell. Auxiliary Board of Superintendence of Bridewell; 25.

Part of Section 94. of Prisons Act repealed. Prisoners may be committed to and detained in Bridewell in certain Cases. Repeal of Sect. 95. of Prisons Act; 26.

Returns to be made by Keepers of Bridewells, and Expenses to be paid; 27.

Work in Prisons to be manual or mechanical only; 28.

Money found on Vagrants may be forfeited; 29.

Reports to be made by Local Inspectors; 30.

Repeal of Portions of Sections 112. 113. and 117. of Prisons Act; 31.

Penalties on aiding Escape of Prisoners; 32.

Trials for Escape. 4 G. 4. c. 64. s. 44.; 33.

Penalty on introducing prohibited Articles into Prison 34.

Annual Payment of 20*l.* by Grand Juries to each Inspector General on making his Report shall cease; 35.

Powers of Lord Lieutenant to direct Removal of Prisoners extended. 10 & 11 Vict. c. 45., 12 & 13 Vict. c. 19., 5 & 6 W. 4. c. 38. s. 11. Expenses shall not be paid by Sub-Inspectors of Constabulary; 36.

Counties and Boroughs may agree for a joint Prison; 37.

Presentments may be made for joint Prisons; 38.

Committees

Committees may be appointed to make Arrangements for joint Prison; 39.

The Committees appointed shall form a joint Committee and shall draw up Agreement; 40.

What the Agreement shall specify; 41.

Agreement shall be laid before Grand Juries and Council for Approval; 42.

Agreement shall be submitted to Lord Lieutenant for Approval; 43.

Lord Lieutenant on Report of Inspectors General may direct Prison to be used as a joint Prison, and Prisoners to be removed to it; 44.

Board of Superintendence to be appointed for joint Prison. Quorum; 45.

Presentments may be made to joint Board; 46.

Joint Board to be the Board of Superintendence of all Prisons in County and Borough; 47.

Revisal of Agreement; 48.

In case the Parties shall disagree upon the Terms of a new Agreement the Lord Lieutenant may appoint an Arbitrator; 49.

Section 9. of 3 & 4 Vict. c. 109. repealed. Borough may contract with County for Reception of Prisoners in the County Gaol; 50.

Grand Jury of Borough may present for Amount of such Contract; 51.

Borough may convey old Prison not required to County; 52.

Trial of Prisoners committed or removed to joint Prison or to County Prison under Contract; 53.

Compensation to Officers of Prisons becoming unnecessary; 54.

(Ireland.)

A

B I L L

TO

Further amend the Laws relating to Prisons in Ireland.

WHEREAS an Act was passed in the Seventh Year of King George the Fourth, Chapter Seventy-four, intituled "An "Act for consolidating and amending the Laws relating to "Prisons in Ireland:" And whereas an Act was passed in the Sixth and Seventh Years of King William the Fourth, Chapter Fifty-one, intituled "An Act for converting the Richmond General Penitentiary "into One of the Prisons of the County of the City of Dublin, and to "amend the Law relating to Prisons in Ireland:" And whereas an Act was passed in the Third and Fourth Years of Her Majesty, Chapter Forty-four, intituled "An Act to amend an Act of the Seventh Year "of King George the Fourth, for consolidating and amending the "Laws relating to Prisons in Ireland:" And whereas an Act was passed in the Fifth and Sixth Years of Her Majesty, Chapter Ninety-five, intituled "An Act for consolidating the Four Courts "Marshalsea, Dublin, Sheriff's Prison, Dublin, and for regulating the "Four Courts Marshalsea, in Ireland:" And whereas an Act was passed in the Twelfth and Thirteenth Years of Her Majesty, Chapter Ninety-seven, intituled "The Dublin Improvement Act, 1849," the Fifty-first Section of which alters and amends the said recited Act of the Sixth and Seventh Years of King William the Fourth: And whereas

Preamble.
7 G. 4. c. 74
6 & 7 W. 4. c. 51.
3 & 4 Vict. c. 44.
5 & 6 Vict. c. 95.
12 & 13 Vict. c. 97. s. 51.

whereas it is expedient further to amend the Laws relating to Prisons in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Acts incorporated.

I. The said recited Acts of the Seventh Year of King George the Fourth, the Sixth and Seventh Years of King William the Fourth, Third and Fourth Years of Her Majesty, the Fifth and Sixth Years of Her Majesty, and the said Fifty-first Section of the "Dublin Improvement Act, 1849," so far as the same respectively are now in force, and this Act, shall be construed together as One Act.

Interpretation.

II. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter), the following Terms shall have the respective Meanings herein-after assigned to them; (that is to say,)

"Lord Lieutenant:" "Lord Lieutenant" shall mean and include the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being:

"Prisons Act:" "Prisons Act" shall mean the said Act of the Seventh Year of King George the Fourth, Chapter Seventy-four:

"County:" "County" shall extend to and include any City, County of a City, or County of a Town or City, and County of any Place, as the Case may be:

"County Gaol:" "County Gaol" shall be understood to mean the Common Gaol of any such County:

"Prison:" "Prison" shall include Gaol, Bridewell, and House of Correction:

"Person:" "Person" shall include Corporation, whether sole or aggregate:

"Grand Jury:" "Grand Jury" shall, as regards any Borough of which the Council is authorized by Law to make Presentments for the Prisons thereof, be held to include such Council:

"Assizes:" "Assizes," as regards the County of Dublin, shall be held to mean Presenting Term:

"Treasurer of the County:" "Treasurer of the County" shall, as regards the County of Dublin, mean the Finance Committee:

"Governor:" "Governor" shall include Keeper:

"Board of Superintendence." "Board of Superintendence" shall mean the Board of Superintendence to be appointed by any Grand Jury or Council under the said recited Acts or this Act.

Jurisdiction of Queen's Bench under Prisons Act transferred

III. From and after the *passing of this Act* all the Powers, Rights, Authority, and Jurisdiction now vested in or exercised by Her Majesty's Court of Queen's Bench in Ireland, or the Judges thereof, or any One or more of them, by virtue of the said recited Acts or any

any of them, over or with respect to the Four Courts Marshalsea, or any County Prison in Ireland, whether Gaol, Bridewell, or House of Correction, or the Prisoners therein, or any Matter relating to such Marshalsea, Prison, or Prisoners, shall be transferred to and vested in and exercised and performed by the Lord Lieutenant as fully and effectually to all Intents and Purposes as if the said Lord Lieutenant had been named in the said recited Acts instead of the said Court of Queen's Bench or the Judges thereof, or any One or more of them; and all the Provisions of the said recited Acts or any of them directing any Function or Duty to be exercised or performed by, or any Matter or Thing to be done by or with the Approbation of the said Court of Queen's Bench in Ireland or the Judges thereof, or any One or more of them, in relation to or concerning the said Marshalsea or any such County Prison as aforesaid, or the Prisoners therein, shall, from and after the *passing of this Act*, be deemed and taken to apply and extend to the said Lord Lieutenant, instead of the said Court of Queen's Bench or the Judges thereof, or any One or more of them; and the said Lord Lieutenant shall thenceforward have, exercise, and perform all the same Powers, Rights, Authority, and Jurisdiction in respect of the said Marshalsea or any such Prison or Prisoners, or any Matter relating to the same, as might have been exercised or performed under the said recited Acts or any of them by the said Court of Queen's Bench or the Judges thereof, or any One or more of them, in case this Act had not been passed: Provided, that nothing in this Section contained shall be construed to limit or affect the Duties or Powers of the said Court of Queen's Bench, and all and every Judge and Judges of Assize and General Gaol Delivery in Ireland, under Sections One hundred and thirty-one, One hundred and thirty-two, One hundred and thirty-three, and One hundred and thirty-four of the Prisons Act; and provided further, that the Judges of Her Majesty's Court of Queen's Bench, Common Pleas, and Exchequer, or of Her Majesty's High Court of Chancery or Admiralty, and the Commissioners of the Court of Bankruptcy, and the Commissioners of the Court for Relief of Insolvent Debtors in Ireland, shall have and exercise the same Powers with respect to ordering the Marshal of the Four Courts Marshalsea to take into Custody any Person committed by them respectively, or to bring before them respectively any Prisoner in his Custody, which the said Judges now have with respect to the Marshal of the said Four Courts Marshalsea.

to Lord Lieutenant.

5 & 6 W. 4. c. 38. s. 1., 2 & 3 Vict. c. 42. s. 7.

IV. Whereas by the Fourth Section of the Prisons Act and by the First Section of the said recited Act of the Third and Fourth Years of Her Majesty, Chapter Forty-four, Provision is made for the Enactment of Byelaws for Prisons, and it is expedient to amend the same: The Fourth Section of the Prisons Act and the First Section of the

Sect. 4. of Prisons Act, and Sect. 1. of 3 & 4 Vict. c. 44. repeal-

said Act of the Third and Fourth Years of Her Majesty, Chapter Forty-four, shall from and after the *passing of this Act* be repealed, save as to anything heretofore done under the same; and it shall be lawful for the Board of Superintendence of any Prison from Time to Time to alter, amend, or repeal the existing Byelaws, and to make new Byelaws for any such Prison under their Superintendence, or the Prisoners therein confined, and from Time to Time to repeal, alter, or add to such Byelaws, and to make others, and the same, when approved of by a Grand Jury of the County, or in the Case of a Borough having Jurisdiction over the Prisons of such Borough by the Council thereof, shall be submitted to the Lord Lieutenant, and it shall be lawful for the Lord Lieutenant, if he shall so think fit, to alter such Byelaws, or to make Byelaws additional thereto, and to certify under the Hand of the Chief or Under Secretary for Ireland that such Byelaws as submitted to him, or altered or added to, are proper to be enforced, and said Byelaws, when so approved and certified, shall be printed and posted in the Prison, and obeyed as the Standing Regulations of such Prison; and in case the Board of Superintendence shall refuse or neglect for the Space of *Three* Calendar Months after being required so to do by the Inspectors General of Prisons to make such Byelaws as aforesaid, or any such Byelaws as to the Lord Lieutenant may appear necessary or expedient for any Prison under their Superintendence or the Prisoners therein, then and in such Case it shall be lawful for the Lord Lieutenant, by Writing under the Hand of the Chief or Under Secretary for Ireland for the Time being, to make such Byelaws, and from Time to Time to repeal, alter, or add to such Byelaws, and to make others, and to declare that the said Byelaws shall be in addition to or in substitution for any Byelaws theretofore in force in any such Prison, or any Part of such Byelaws; and the said Byelaws so to be made by the Lord Lieutenant shall be printed and posted in the Prison, and shall be obeyed as the Standing Regulations of such Prison, either in addition to or in substitution for the existing Byelaws of such Prison, as the Lord Lieutenant shall in that Behalf declare, and shall be of the same Force and Effect to all Intents and Purposes as if they had been originally made by the Board of Superintendence of the County, and approved of by the Grand Jury of the County; and it shall be lawful in such Byelaws to provide for the Classification of Prisoners of each Sex in any Prison, or for the individual Separation of all or any of the Prisoners confined therein, with due Regard to their proper Supervision, religious and moral Instruction and Employment; and it shall be the Duty of the Local Inspector of every Prison to see that the Byelaws and Rules for the Time being in force in such Prison shall be observed and carried into Effect, and no Magistrate shall have Authority to alter or add to the same, or in any Manner, save as in this Act provided, to interfere with

Board of Superintendence with approval of Grand Jury and Lord Lieutenant to make Byelaws. 5 & 6 G. 4. c. 38. s. 2.

In case the Board of Superintendence shall neglect, Lord Lieutenant may make Byelaws.

Local Inspector to see that Byelaws are observed.

with the Discipline of the Prison: Provided always, that any such Byelaws so to be made by the Board of Superintendence of any such joint Prison as is in this Act mentioned shall not require to be approved of by any Grand Jury, or by the Council of any Borough.

Board of Superintendence to report Fire or sudden Accident to Inspectors General.

V. In case of any Fire or other sudden Accident happening in or to any County Prison, Gaol, Bridewell, or House of Correction in the Fourteenth Section of the Prisons Act mentioned, or any Part thereof respectively, the Board of Superintendence of such Prison shall, as soon thereafter as conveniently may be, forward a Report of such Fire or sudden Accident to One of the Inspectors General of Prisons in Ireland; and whensoever any such Building or other Work as is mentioned in the Forty-third Section of the Prisons Act shall be completed or finished, the Commissioners in the same Section mentioned shall, so soon thereafter as conveniently may be, forward a Report of the Completion of such Work to the said Inspectors General of Prisons; and the annual Return of the State of every Gaol, Bridewell, House of Correction, or other County Prison, which the Gaoler of the same is, by the Fifty-seventh Section of the Prisons Act, directed to transmit to One of the said Inspectors General of Prisons, shall be in the Form in the same Section mentioned, or in such other Form as the Lord Lieutenant shall from Time to Time in that Behalf direct.

Report of Completion of Works to be forwarded to Inspectors General.

Annual Returns to be in the Form in Prisons Act, or in such Form as the Lord Lieutenant shall direct.

Commissioners to be appointed under Prisons Act reduced.

VI. The Number of Commissioners to be appointed by the Lord Lieutenant under the Fifty-second Section of the Prisons Act shall be reduced from the Number of not less than Six nor more than Twelve, to not less than *Three* nor more than *Six*.

Prisons may be lighted with Gas.

VII. It shall be lawful for the Grand Jury of any County, if they shall so think proper, to cause any Prison within their County, or any Rooms or Parts of any such Prison, to be lighted with Gas, or warmed and aired or ventilated by Means of Stoves or artificial Heat, or other artificial Means, and to make and enter into any Contract for such Purposes with any Person or Company, and at any Assizes or Presenting Term to present, to be raised off their County, such Sum or Sums of Money as shall be required for the Construction or laying down of the Pipes or Tubes or other Apparatus necessary for such Purposes, or either of them, and also from Time to Time to present, to be raised off their County, such Sum or Sums of Money as shall be necessary for the Maintenance or Repair of such Pipes, Tubes, or other Apparatus, or for procuring such Gas or artificial Heat.

Sects. 20. and 21. of the Prisons Act repealed.

VIII. The Twentieth and Twenty-first Sections of the Prisons Act shall, from and after the *passing of this Act*, be repealed, except as to anything

Building, rebuilding, altering, and enlarging Prisons.

anything heretofore done under the same; and before any Grand Jury of a County, or any Commissioners appointed by them, shall commence to build or rebuild, or to alter or enlarge any Gaol, Bridewell, House of Correction, or other County Prison, they shall transmit to the Lord Lieutenant the Plan and Specification of such proposed Building, Alteration, or Enlargement, or a Copy or Facsimile of such Plan and Specification (the same having been previously approved of by the Grand Jury), together with the Report thereon of the Inspectors General of Prisons, or One of them, and such other Reports or Certificates as the said Lord Lieutenant shall require and direct; and notwithstanding anything in the Prisons Act or this Act contained, it shall not be lawful for any Grand Jury, or any Commissioners appointed by them, to commence any such Building, Rebuilding, Alteration, or Enlargement, unless and until the Plan and Specification of the same shall be agreed to and approved of by the Lord Lieutenant; and it shall and may be lawful for the Commissioners appointed by the Grand Jury, and they are hereby authorized and empowered to enter into Contracts for the Execution of any such Work as in the Prisons Act or this Act is authorized to be executed, after the Plan or Specification thereof shall have been approved, as herein directed, first by the Grand Jury and then by the Lord Lieutenant, and every such Contract shall be made at the most reasonable Price which shall be proposed by such Contractor as shall be deemed by the said Commissioners appointed by the Grand Jury the most responsible and proper Person to execute such Contract, and every such Contract shall be entered by the Clerk to the said Commissioners in a Book to be kept by the said Commissioners, which Book, when such Works are completed, shall, by the said Clerk to the said Commissioners, be delivered to the Clerk of the Peace of the County for the Time being, who is hereby required thenceforward to keep the same among the Records of the said County.

Sect. 91. of Prisons Act repealed. Bridewells to be built in Towns in which Criminal Sessions are held.

IX. The Ninety-first Section of the Prisons Act shall, from and after the *passing of this Act*, be repealed, except as to anything heretofore done under the same; and it shall be lawful for each and every Grand Jury in Ireland, and they are hereby respectively required from Time to Time hereafter, to make Presentments for Building One Bridewell of competent Size in each and every Town within their respective Counties which is, or from Time to Time hereafter shall be, duly appointed for holding Quarter Sessions for the Transaction of Criminal Business.

Sects. 65. and 71. of Prisons Act partly, and Sect. 75.

X. So much of the Sixty-fifth Section of the Prisons Act as provides that the Local Inspector shall be removable by the Grand Jury, with the Approbation of the next going Judge of Assize, and the whole

whole of the Seventy-fifth Section of the said Act, are hereby repealed: Provided, that such Repeal of the said Seventy-fifth Section shall not be construed to prevent any Person holding the Offices of Local Inspector and Chaplain at the passing of this Act from continuing to hold the same Offices for such Time and in such and the same Manner as if this Act had not been passed: Provided, also, that no Clergyman or ecclesiastical Person of any religious Persuasion shall be hereafter appointed to the Office of Local Inspector.

wholly, repealed.

No Ecclesiastic to be appointed Local Inspector.

XI. It shall be lawful for any Chaplain of any County Prison, in the Case of his Sickness or necessary Engagement, to appoint a Clergyman of his own religious Persuasion, who shall have been approved of by the Board of Superintendence of the County Gaol, to be his Substitute for the Occasion, and the Name and Residence of such Substitute shall be specified in the Chaplain's Journal; and every Chaplain, and every such Substitute as aforesaid, shall communicate from Time to Time to the Board of Superintendence of the County Gaol any Abuse or Impropriety which shall have come to his Knowledge; and the Journal kept by such Chaplain shall be kept in the Prison, and shall regularly be laid before the Board of Superintendence at every Meeting of such Board, and shall be signed by the Chairman of such Board in Proof of the same having been there produced.

Chaplain may appoint Substitute. 4 G. 4. c. 64. s. 28.

Chaplain to report Abuses and keep Journal.

XII. In addition to the Articles authorized or required, under the Seventy-sixth Section of the Prisons Act, to be presented and provided for Prisoners confined in any Gaol, Bridewell, House of Correction or other County Prison, the respective Grand Juries at the Assizes or Presenting Terms, and in the case of the City of Dublin the Council of the Borough of Dublin, are hereby authorized, if they shall think fit, to present for and provide Cots and Hammocks for the Use of such Prisoners, and the same shall in such Case be presented, paid for, and supplied in the like Way as the Articles in the said Section of the said Act mentioned; and in addition to the Bedding to be allowed to poor Prisoners mentioned in the Seventy-eighth Section of the said Act, One Pair of Sheets shall be allowed to each Bed.

Cots and Hammocks may be provided for Prisoners.

4 G. 4. c. 64. s. 10. Rule 18.

Sheets shall be allowed to each Bed.

XIII. The Prison Dresses in the Seventy-eighth Section of the Prisons Act mentioned, shall be worn by all Prisoners (whether of Ability to maintain themselves or not) who shall be sentenced to undergo any Term of Imprisonment exceeding *One Month*, unless the Board of Superintendence of the Prison wherein such Prisoners shall be confined shall, by a special Order in Writing entered on the Minutes of

Prison Dresses shall be worn by all Prisoners unless Board of Superintendence shall otherwise, by special Order, direct.

4 G. 4. c. 64. s. 10. Rule 17.

of their Proceedings, and signed by a Majority of the Members of the said Board present, at a Meeting thereof duly convened for the Purpose, otherwise direct: Provided nevertheless, that in all such Cases as last aforesaid, the Board shall enter upon their Minutes the special Circumstances under which such Order shall have been made, and shall forthwith furnish to the Inspectors General of Prisons a Statement or Report of such Circumstances, and of the Offence for which the Person respecting whom such Order shall have been given was sentenced, and of the Date and Particulars of such Sentence; and provided further, that if, upon any such Statement or Report being transmitted to the Lord Lieutenant by the Inspectors General of Prisons, it shall appear to the Lord Lieutenant that the special Order therein mentioned of the Board of Superintendence was not required or justified by the Circumstances in the said Statement or Report set forth, it shall be lawful for the Lord Lieutenant, if he shall think proper so to do, by Order in Writing (under the Hand of the Chief or Under Secretary for Ireland for the Time being) to rescind any such special Order of the Board of Superintendence, and to direct that the Prison Dresses in the said Seventy-eighth Section of the Prisons Act mentioned, shall be worn by the Prisoner or Prisoners, or any of them, in the said special Order mentioned.

Lord Lieutenant may rescind Order of Board.

Governor may confine Prisoner with a Class different from his own.

4 G. 4. c. 64. s. 10. Rule 6.

XIV. It shall be lawful for the Governor of any County Prison, if he shall at any Time deem it improper or inexpedient to allow any Prisoner to associate with the other Prisoners of the Class to which he or she may belong, to confine such Prisoner with any other Class or Description of Prisoner, or in any other Part of the Prison, until he shall receive the Directions of the Board of Superintendence in respect to such Prisoner, and in every Case in which he shall so confine or separate any Prisoner, he shall apply with as little Delay as possible to the Board of Superintendence for Directions in respect of such Prisoner, and the said Board shall in every such Instance ascertain whether the Reasons assigned by the Governor warrant such a Deviation from the established Rules, and shall give such Orders as they shall, under the Circumstances of the particular Case, think proper, in reference to the future Custody of the said Prisoner.

Unconvicted Persons may purchase Food at their own Expense.

XV. Unconvicted Prisoners of Ability to maintain themselves shall be at Liberty to purchase and provide, at their own Expense, sufficient cooked Food of a simple and wholesome Nature, subject to such Restrictions and Regulations as to the Nature, Quantity, and Quality of such Food, as the Board of Superintendence may deem proper, anything in the Prisons Act to the contrary notwithstanding: Provided nevertheless, that such Prisoner shall not be allowed to obtain,

obtain, procure, have, or use any Wine or Spirituous Liquors, except the same shall be ordered for him or her by the Medical Officer of the Prison.

Convicted Prisoners shall be supplied with Food at Public Expense.

XVI. Every convicted Prisoner in any Prison in Ireland, whether of Ability to maintain himself or herself or not, shall be supplied with Food at the Public Expense, and it shall not be lawful for any such Prisoner to use, accept, or receive any Food or Liquor other than the Prison Allowance supplied under the Prisons Act and this Act, unless in such Cases as the Medical Officer of such Prison shall, by Certificate under his Hand, declare that some other Food or Liquor shall be necessary for such Prisoner, and in such case the Reasons for granting such Certificate shall be inserted by such Medical Officer in his Journal; and if such other Food or Liquor so to be ordered by such Certificate shall be continued for any Time exceeding *One Week* from the Date of such Certificate, a Notice thereof in Writing shall be given by such Medical Officer to the Inspectors General of Prisons: Provided always, that such convicted Prisoners shall, unless when sentenced to Hard Labour, be allowed to pay to the Board of Superintendence the Expense of such their Prison Allowance in order to obtain an Exemption from any Work or Labour which would or might otherwise be required from them towards Payment of the Expenses of such Prison Allowance of Food.

4 G. 4. c. 64. s. 10. Rule 15.

Deputy Marshal, Hatchmen, and inferior Officers of Four Courts Marshalsea to be appointed by Lord Lieutenant.

XVII. So much of the One hundred and twenty-third Section of the Prisons Act as provides that One Deputy Marshal of the Four Courts Marshalsea, Three Hatchmen, and all inferior Officers necessary for the safe Custody of Prisoners or the Discipline of the Prison shall be appointed and paid by the Marshal of such Marshalsea, is hereby repealed, and such Deputy Marshal, Hatchmen, and inferior Officers as aforesaid shall from and after the *passing of this Act* be appointed and removable at the Will and Pleasure of the Lord Lieutenant, and the Deputy Marshal, Hatchmen, and inferior Officers holding Office at the Time of the passing of this Act on the Appointment of the Marshal shall be also removable at the Will and Pleasure of the Lord Lieutenant, and it shall be lawful for the Commissioners for the Time being of Her Majesty's Treasury to order that such Deputy Marshal, Hatchmen, and inferior Officers, whether so holding Office on the Appointment of the Marshal, or to be appointed under this Act, shall be paid such Salaries as the Lord Lieutenant with the Sanction of the said Commissioners shall in that Behalf direct; and such Salaries shall from Time to Time be paid out of any Monies appropriated or which may be appropriated by Parliament for the Purpose, and thereupon the Payment of any Salaries to such Officers by the Marshal shall cease, and the annual Salary payable to the Marshal

under the Prisons Act shall be reduced by such Amount as shall be equivalent to the aggregate Amount of the annual Salaries which shall have been heretofore paid by him to the said Deputy Marshal, Hatchmen, and inferior Officers.

All Prison Officers to be appointed by Board of Superintendence.

XVIII. The Governor or Keeper, Local Inspector, Chaplains, Medical Officer, Deputy Governor, Turnkeys, and all other Officers, both Male and Female, to be appointed at any Time after the passing of this Act to or for any County Prison, whether Gaol, Bridewell, or House of Correction, or to and for any such joint Prison as is herein-after mentioned, shall, with the Exception herein-after in that Behalf specified, be from Time to Time appointed by the Board of Superintendence, any Provision in the Prisons Act or any other Act or Acts, or any Law, Usage, or Custom, to the contrary notwithstanding; but if the Board of Superintendence shall neglect to appoint any such Governor or Keeper, Inspector, Chaplains, Medical or other Officer as aforesaid, for the Space of *One Month* after they shall have been required by the Inspectors General of Prisons or either of them, by Writing under their or his Hand, so to do, it shall be lawful for the Lord Lieutenant, if it shall seem to him expedient, to appoint any fit or proper Person or Persons to fill such Office or Offices; and the Salaries of all such Officers respectively shall be raised and paid in like Manner, and subject to the same Provisions, as the Salaries of such or the like Officers have been and are payable before and at the Time of the passing of this Act, save as in this Act otherwise expressed: Provided that the Appointment of any such Officers other than the Chaplains and the Medical Officer shall not be deemed valid or effectual until the same shall have been approved of in Writing by the Lord Lieutenant of Ireland, under the Hand of the Chief or Under Secretary: Provided further, that nothing in this Section contained shall apply to the Officers of the Richmond Bridewell in Dublin, or of the Grange Gorman Female Penitentiary in Dublin, or interfere with or affect the Powers of the Person or Persons now by Law entitled to appoint the Governor or any other Officers of such Bridewell and Penitentiary respectively.

4 G. 4. c. 64. s. 25.
5 & 6 Vict. c. 53. s. 15.

This Section not to extend to Richmond Bridewell or Grange Gorman Female Penitentiary.

Appointments of Prison Officers other than Local Inspector, Chaplain, or Medical Officer, to be probationary in the first instance.

XIX. The Appointment by any Board of Superintendence, under the Provisions of this Act, of any Officer of any such Prison other than the Chaplains or Medical Officer shall be probationary only, and shall not be or become absolute until the same shall be confirmed at a Meeting of the Board of Superintendence duly summoned and held for that Purpose, not sooner than *Three* Months after the Meeting at which such probationary Appointment shall have been made: Provided always, that no such Confirmation of the Appointment of any Officer shall be made at such last-mentioned Meeting unless *Two Thirds* of the

the Members of such Board shall be present, and the Majority of the Members present shall concur in such Ratification or Confirmation, nor unless the Local Inspector and the Governor of the Prison to which such Officer shall have been appointed shall have certified under their Hands, or, in the Case of the Governor, unless the Local Inspector, or, in the Case of the Local Inspector, unless the Governor, shall have certified under his Hand to the said Board of Superintendence that the Conduct of such Officer since his or her probationary Appointment to the said Gaol has been in all respects correct and proper, and that such Officer is in the Opinion of the said Governor and Local Inspector, or of the said Governor or Local Inspector alone, as the Case may be, a fit, proper, and efficient Person to be appointed to the Office the Duties of which he shall have been discharging in pursuance of his probationary Appointment; and the said Board of Superintendence shall enter such Certificate upon their Minutes, and shall forthwith transmit a Copy of such Certificate to the Inspectors General of Prisons.

Governor to give Security.

XX. Every Person who shall be nominated or appointed as herein-before provided to the Office of Governor of any Prison by the Board of Superintendence shall, immediately after his Nomination to such Office and before he shall enter upon the Duties thereof as such probationary Officer as aforesaid, enter into a Recognizance, with Two sufficient Sureties to be approved of by the Clerk of the Crown of the County or One of the Counties to which such Prison shall belong, before some Justice of the Peace (and which Recognizance each and every Justice of the Peace is hereby empowered to take), in such Sum as the Board of Superintendence shall direct, the Condition of which Recognizance shall be that such Governor shall duly and faithfully Discharge the Duties of his Office in every respect during such Time as he shall continue to hold the same, and shall indemnify and save harmless every Sheriff and every other Person from all Loss, Costs, Damages, and Expenses which any such Sheriff or other Person shall incur, sustain, or be liable to by reason of any Escape of any Prisoner in the Charge of such Governor, or by reason of any Act, Neglect, or Default of such Governor; and every Person who at the Time of the passing of this Act shall be the Governor of any County or joint Prison shall, on or before the *Thirty-first Day of December One thousand eight hundred and fifty six*, enter into a Recognizance, with Two such Sureties as aforesaid, before some Justice of the Peace (and which Recognizance each and every Justice of the Peace is hereby authorized to take), conditioned as herein-before enacted, in such Sum as the Board of Superintendence shall in manner aforesaid direct; and in case any such Governor as last mentioned shall neglect or omit to enter into such Recognizance as herein-before directed, on or before the said

17 & 18 Vict. c. 115. s. 4.

Thirty-first Day of December One thousand eight hundred and fifty-six, then and in every such Case the Person thus neglecting or omitting so to do shall, upon and from and after the said *Thirty-first Day of December One thousand eight hundred and fifty-six*, cease to hold the Office of Governor of the Prison theretofore held by him; and the Board of Superintendence of such Prison shall forthwith proceed to appoint a Governor in his Stead, under the Powers and in the Manner in that Behalf herein-before given and directed: Every Recognizance taken under this Act shall be transmitted by the Justice of the Peace before whom the same shall be acknowledged to the Clerk of the Peace of the County, or One of the Counties, to which such Prison shall belong; and in case the same shall at any Time become forfeited, such Process shall and may issue thereon as in such Cases usual; and any Money that shall be recovered thereon shall belong and be paid to the Sheriff or other Person who has sustained or shall be liable to any Loss, Costs, Damages, or Expenses by the Act or Default in respect of which such Money shall be recovered.

Governor may be required to give additional Security.

XXI. It shall be lawful for the Board of Superintendence, in the event of the Death, Bankruptcy, Insolvency, or Failure of the Sureties of any such Governor, or of either of such Sureties, or on the Application of the Sheriff, or otherwise at their Discretion, to order that such Governor shall give additional Security by Recognizance to such Amount as to such Board shall seem fit, and thereupon such Governor shall, within *One Month* from the Date of such Order, enter into an additional Recognizance conditioned as in the last Section is specified, with new additional Sureties, to be approved of by the Clerk of the Crown; and such Recognizance shall be entered into and dealt with in all respects in like Manner as is directed in relation to the Recognizance in the preceding Section specified; and if such Governor shall neglect or fail to comply with such Order within the Time aforesaid he shall thereupon cease to hold the Office of Governor of such Prison, and the Board of Superintendence shall in manner aforesaid proceed to appoint a Governor in his Stead.

Lord Lieutenant may dismiss Governor, Local Inspector, Chaplain, and Medical Officer.

XXII. It shall be lawful for the Lord Lieutenant of Ireland, by Writing under the Hand of the Chief or Under Secretary of Ireland, to remove or dismiss any Governor, Local Inspector, Chaplain, Medical Officer, or any other Officer, Male or Female, for or of any such County or joint Prison, when and so often as the Inspectors General of Prisons, or one of them, shall by Writing under their or his Hand certify to the Lord Lieutenant any Misconduct or Incapacity on the Part of such Officer, or his Unfitness to fulfil and discharge the Duties of his Office, and such Governor, Local Inspector,

spector, Chaplains, or Medical Officers respectively shall be removable by the Lord Lieutenant only; and in every Case of such Removal of any such Officer the Lord Lieutenant shall cause Notice to be given to the Board of Superintendence having Authority in that Behalf, requiring them to appoint another Person in the Room of the Officer so removed, and the said Board of Superintendence shall thereupon proceed to make such Appointment at a Meeting to be duly convened for that Purpose within One Month from the Receipt of such Notice, and all the Officers, Male or Female, of any such Prison, whether Gaol, Bridewell, or House of Correction, other than the said Governor, Local Inspector, Medical Officer, or Chaplain, shall be removable and may be from Time to Time, as Occasion may require, removed by the Board of Superintendence of such Prison without such Certificate as aforesaid under the Hands of the said Inspectors General or One of them: Provided always, that nothing in this Section contained shall extend or apply to the Richmond Bridewell in Dublin, or to the Grange Gorman Female Penitentiary in Dublin, or interfere with or affect the Powers of the Persons now entitled thereto to dismiss the Officers of the said Bridewell and Penitentiary respectively.

This Section not to extend to Richmond Bridewell or Grange Gorman Female Penitentiary.

XXIII. Whereas by Section One hundred and twenty-five of the Act of the Sixth and Seventh Years of His late Majesty King William the Fourth, Chapter One hundred and sixteen, and the Fifth Section of the said recited Act of the Third and Fourth Years of Her present Majesty, Chapter Forty-four, Provision is made for the Superannuation of the Keepers, Turnkeys, and Matrons of the Prisons to which the said Sections apply, and it is expedient to extend the said Sections to all other Officers of the said Prisons, and to all Officers of the Prisons to which this Act may apply: Be it therefore enacted, That the said Sections of the said Acts of the Sixth and Seventh William the Fourth, and Third and Fourth of Her present Majesty, shall extend to and include all Officers of the Prisons to which the said Sections of the said Acts or this Act apply.

Provisions of Acts authorizing Superannuation of certain Officers of Prisons extended to all Officers thereof.

XXIV. So much of Section Eighty-nine of the Prisons Act as provides that it shall be lawful for the Grand Jury to appoint a Keeper or Governor of such House of Correction as is in the said Section mentioned is hereby repealed, and from and after the *passing of this Act* the Person to be appointed Governor of the County Gaol shall be and shall be appointed to be Governor also of such House of Correction: Provided that any Keeper appointed before the passing of this Act of any such House of Correction shall continue to be such Keeper with the like Salary, and to perform the like Duties, as if this Act had not been passed.

Governor of County Gaol shall be Governor of House of Correction.

Repeal of s. 93. of Prisons Act. Local Inspector of County Gaol to be Local Inspector of Bridewells.

XXV. From and after the *passing of this Act* the Ninety-third Section of the Prisons Act shall be repealed, and the Local Inspector of the Gaol of any County or of any such joint Prison as is herein-after mentioned shall be *ex officio* the Inspector of all the Bridewells in the same County or in the County and Borough to which such joint Prison shall belong, and such Local Inspector shall direct and superintend the Supply of every such Bridewell with Necessaries, and the Prisoners in every such Bridewell shall be supplied with such Necessaries in the same Manner in the like Cases, under the same Regulations, and out of the same Funds as the Prisoners in the County Gaol are authorized to be supplied; and in addition to the Board of Superintendence of the County Gaol, and without Prejudice to the Authority vested in such Board by the Prisons Act and by this Act, the Justices of the Peace, or any Two of them, attending the Petty Sessions of any Petty Sessions District in which any Bridewell (other than a District Bridewell) is situate, are hereby constituted an auxiliary Board of Superintendence of such Bridewell for the following Purposes only, that is to say, for the Purpose of inspecting such Bridewell, and of reporting to the Board of Superintendence in relation to the Repairs of such Bridewell the Supply of Necessaries therein, the Cost of Dietary according to the average Prices in the neighbouring Markets, the keeping of the Registry and List of Committals, and as to all Matters affecting the Health and Discipline of the Prisoners in such Bridewell; and such Justices and every of them shall have full Power and Authority from Time to Time to inspect the said Bridewells and report to the Board of Superintendence all such Matters and Things as may seem fit and proper to be communicated to such Board, or to be known by them.

Auxiliary Board of Superintendence of Bridewell.

Part of Sect. 94. of Prisons Act repealed.

XXVI. So much of the Ninty-fourth Section of the Prisons Act as provides that Prisoners may be detained in any Bridewell distant more than Twelve Miles from any County Gaol or District Bridewell until the First Week in the Calendar Month next after their Committal is hereby repealed, and it shall be lawful to commit and detain in any Bridewell (other than a District Bridewell), which shall be distant more than *Twenty* Miles from the County Gaol or from a District Bridewell, any Prisoner committed or sentenced for any Period not exceeding *One Week*: Provided always, that this Enactment shall not apply to any Bridewell, unless and until the Inspectors General of Prisons or One of them shall have certified in Writing under their or his Hand, to the Chief or Under Secretary of the Lord Lieutenant, that such Bridewell is fully sufficient for the safe Custody of the Prisoners and the Separation of the Sexes, and is duly provided with Water and Sewerage, and that the Day Room and Cells thereof are of such a Size and are lighted, ventilated, and fitted up in such a Manner as the said

Prisoners may be committed to and detained in Bridewells in certain Cases.

said Inspectors or Inspector deem sufficient for the Preservation of the Health of the Prisoners to be confined therein, and unless and until Notice that such Bridewell has been so certified shall have been transmitted from such Chief or Under Secretary to the Magistrates of each Petty Sessions of the County in which such Bridewell is situate: Provided also, that as regards Bridewells not so certified, and not being District Bridewells, Prisoners shall not be detained therein otherwise than is provided by so much of the Ninety-fourth Section of the Prisons Act as is not hereby repealed.

Returns to be made by Keepers of Bridewells and Expenses to be paid.

XXVII. The Ninety-fifth Section of the Prisons Act shall from and after the *passing of this Act* be repealed, save as to anything heretofore done under the same; and a Return or Record shall be made and kept by the Keeper of every Bridewell in Ireland not being a District Bridewell, in the Form of the Schedule in the Prisons Act mentioned, or in such other Form as may have been already approved of by the Judge of Her Majesty's Court of Queen's Bench, or as shall hereafter be approved of by the Lord Lieutenant, of the Committal and Discharge of Prisoners, and of all Expenses incurred in such Bridewells for or in respect of such Prisoners, one Copy of which Return or Record shall be preserved in such Bridewell, and one other Copy shall be transmitted to the Board of Superintendence, within *Fourteen* Days after the Thirteenth Day of March, Thirteenth Day of June, Thirteenth Day of September, and Thirteenth Day of December in each and every Year; and the said Board of Superintendence shall examine and certify the said Copy, and shall administer to such Keeper an Oath to the Truth of such Return or Record, and thereupon shall pay to such Keeper the Amount of the Expense so incurred and specified in such Return or Record, together with Allowances for Fire, Candles, and Straw, not exceeding *Thirty* Shillings in any One Quarter of a Year; and it shall be lawful for the Grand Jury of the County and they are hereby required, on the Production of such Return or Record at the next ensuing Assizes, to make Presentment in favour of the Board of Superintendence for the Amount mentioned in such Return or Record, or such Portion thereof as shall be certified to have been properly incurred by the said Board of Superintendence, and the Keeper of every such Bridewell shall at the Times above specified furnish to the Inspectors General of Prisons a Return certifying the Number of Prisoners confined in the said Bridewell during the preceding Quarter, together with the Number of Meals actually issued to such Prisoners whilst so confined, and the Cost of their Maintenance, and the Number of Prisoners committed thereto for Drunkenness.

Work in Prisons to be manual or

XXVIII. The Work or Labour authorized by the One hundred and fifth Section of the Prisons Act shall be manual or mechanical

mechanical only.

Work or Labour; and no Board of Superintendence shall authorize or permit any Prisoner to carry on or exercise any Profession, Trade, Business, Calling, or Employment which the said Board shall deem inconsistent with or unsuited to the due Regulation, Discipline, or Management of the Prison under their Care, or of the Prisoners therein, or which the Lord Lieutenant shall, upon the Report of the Inspectors General, signify to the said Board of Superintendence to be, in the Opinion of the said Lord Lieutenant, inexpedient or improper to allow such Prisoners, or any of them, to carry on or exercise.

Money found on Vagrants may be forfeited.

XXIX. When in any Prison any Money shall be found in the Possession or Custody of any Person committed thereto as a Vagrant, or for offending against the Laws in force for the Relief of the destitute Poor, it shall be lawful for the Board of Superintendence of such Prison, or in the Case of Bridewells for the auxiliary Board of Superintendence thereof herein-before recited, if they shall think fit so to do, to declare such Money to be forfeited, and to apply the same towards the Payment of the Expense of the Maintenance of such Person in such Prison, returning to him or her, upon his or her Discharge, the Overplus, if any, of the Money so found.

Reports to be made by Local Inspectors.

XXX. The Local Inspector, instead of reporting the Complaints made to him by the Prisoners to the Inspectors General of Prisons, under the Thirteenth Rule of the One hundred and ninth Section of the Prisons Act, shall report the same to the Board of Superintendence, and shall, after each Meeting of the said Board, forthwith report to the Inspectors General of Prisons the Decision of the said Board upon such Complaints; and the said Local Inspector shall from Time to Time report to the Inspectors General of Prisons when any Officer of any Prison or Bridewell under his Inspection has died, or has been removed or dismissed, or has resigned, and shall specify in such Reports the Name of such Person (if any) who shall have been appointed in place of such Officer, with the Date of his or her Appointment; and shall also report when any Prisoner or Prisoners has or have died, together with the Cause of Death; and the said Local Inspector shall, once at least in each Quarter of a Year, or oftener if he shall think fit, report to the said Inspectors General whether any epidemic Disease has appeared in any Prison or Bridewell under his Inspection, and whether any Mutiny, Riot, or Escape or Attempt to escape has taken place therein or therefrom; and also whether any Prisoner therein has, according to his own Desire, changed his religious Profession; and the said Local Inspector shall add to his said Report any Observations that may occur to him respecting the general Health, Discipline, or Order of the said Gaol, and the correct keeping of

of the several Books and Forms now directed to be kept by the Court of Queen's Bench, or which shall hereafter be directed to be kept by the Lord Lieutenant.

Repeal of Portions of Sects. 112. 113. and 117. of Prisons Act.

XXXI. The following Portions of the One hundred and twelfth, One hundred and thirteenth, and One hundred and seventeenth Sections of the Prisons Act are hereby repealed, that is to say, so much of the One hundred and twelfth Section as provides that every Officer holding any Office in any Prison or Prisons in Ireland shall, while he shall hold that Office, be deemed, taken, and considered in respect thereof an Officer of the Court of Queen's Bench, and subject to the Order thereof as such; so much of the One hundred and thirteenth Section as enables or authorizes the Court of Queen's Bench, or any Judge thereof, to commit, as in Contempt of the said Court, any Keeper, Inspector, or other Officer of a County Prison who shall refuse to attend or be examined by or give sufficient answer to the Board of Superintendence thereof, or to any Three of them, as in the said Section mentioned; and so much of the One hundred and seventeenth Section as empowers the Inspector of a County Gaol to order into the Stores of the Gaol the Prison Dresses belonging to such Convicts as are therein mentioned, and to issue to such Convicts new Dresses as is therein mentioned.

Penalties on aiding Escape of Prisoners.

4 G. 4. c. 64. s. 43.

XXXII. If any Person shall convey or cause to be conveyed into any Prison to which this Act shall extend any Mask, Visor, or other Disguise, or any Instrument or Arms proper to facilitate the Escape of any Prisoner, and the same shall deliver or cause to be delivered to any Prisoner in such Prison, or to any other Person there, for the Use of any such Prisoner, every such Person shall be deemed to have delivered such Mask, Visor, or Disguise, Instrument or Arms, with Intent to aid and assist such Prisoner to escape or attempt to escape, and if any Person shall by any Means whatever aid and assist any Prisoner to escape, or in attempting to escape from any Prison, every Person so offending, whether an Escape be actually made or not, shall be guilty of Felony, and being convicted thereof shall be kept in Penal Servitude for any Term not less than *Six* or more than *Eight* Years.

Trials for Escape.

XXXIII. Any Offender escaping, breaking Prison, or being rescued therefrom may be tried either in the Jurisdiction where the Offence was committed, or in that where he or she shall be apprehended and retaken; and in case of any Prosecution for any such Escape, Attempt to escape, Breach of Prison, or Rescue, either against the Offender escaping or attempting to escape, or having broken Prison, or having

4 G. 4. c. 64. s. 44.

been rescued, or against any other Person or Persons concerned therein or aiding, abetting, or assisting the same, a Certificate given by the Clerk of the Crown, the Clerk of the Peace, or the Clerk of any other Court in which such Offender shall have been convicted, shall, together with due Proof of the Identity of the Person, be sufficient Evidence to the Court and Jury of the Nature and Fact of the Conviction, and of the Species and Period of Confinement to which such Prisoner was sentenced.

Penalty on introducing prohibited Articles into Prison.

2 & 3 Vict. c. 56. s. 22.

XXXIV. If any Person shall carry, or bring, or attempt, or endeavour by throwing over the Walls, or in any other Means, to introduce into any Prison to which this Act shall extend any Letters, Tobacco, or any other Article not allowed by the Rules of such Prison, it shall be lawful for any Person to apprehend such Offender, and to carry him or her before a Justice of the Peace, who is hereby empowered to hear and determine such Offence in a summary Way, and if he shall lawfully convict such Person of such Offence he shall forthwith direct such Offender to be imprisoned, with or without Hard Labour, for any Time not exceeding *One Calendar Month*, unless such Offender shall immediately pay down such Sum of Money not exceeding *Five Pounds* nor less than *Forty Shillings*, as such Justice shall impose, and such Fine shall be paid to the Board of Superintendence, towards the Expense of the Maintenance of such Prison.

Annual Payment of 20*l.* by Grand Juries to each Inspector General on making his Report shall cease.

XXXV. So much of the Fifty-sixth Section of the Prisons Act as relates to the Payment of the Sum of Twenty Pounds a Year by a Collector of Excise to any Inspector General of Prisons upon or in respect of his making his Report as therein mentioned, or as relates to the Presentment of any such Sum by any Grand Jury for the Repayment of the same, is hereby repealed, and such Payments and Presentments shall cease from and after the making of such Reports for the Year One thousand eight hundred and Fifty-six by the said Inspector General, and it shall be lawful for the Commissioners for the Time being of Her Majesty's Treasury to order that Compensation shall be made to the said Inspectors General for the Loss of such Payments; and such Compensation shall from Time to Time be paid out of any Monies appropriated or which may be appropriated by Parliament for the Purpose in such Manner as the said Commissioners in their Discretion shall think fit to direct: Provided always, that the said Inspectors General shall continue to make such Reports to the Secretaries of the Grand Juries and to the Chief Secretary as they are required to make by the Fifty-fifth and Fifty-sixth Sections of the Prisons Act.

XXXVI. And

Powers of Lord Lieutenant to direct Removal of Prisoners extended.

XXXVI. And whereas by an Act of the Tenth and Eleventh Years of Her Majesty, Chapter Forty-five, and by another Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter Nineteen, Provision is made for the Removal in certain Cases of Prisoners from one Place of Confinement to another, and by the same Acts and by another Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Eighty-five, Provision is made for defraying the Expenses of such Removal, and also of the Removal and Conveyance of Prisoners upon ordinary and other Occasions: And whereas it is expedient to extend the Power of the Lord Lieutenant in respect of the Removal of Prisoners and to alter the Mode in which the aforesaid Expenses are at present vouched and paid: Be it enacted, That it shall be lawful for the Lord Lieutenant of Ireland as and when and as often from Time to Time as he shall think it proper or expedient so to do, by Order in Writing signed by the Chief or Under Secretary for Ireland for the Time being, to direct that any Person being imprisoned in any Prison, Gaol, Bridewell, or other Place of Confinement in Ireland under or by virtue of any Process, Civil or Criminal, or under or by virtue of any Order or Writ of any Court of Justice in Ireland, shall and may be removed from such Prison, Gaol, Bridewell, or other Place of Confinement, to such other Prison, Gaol, Bridewell, or Place of Confinement as to such Lord Lieutenant shall seem fit and proper for and during such Time as to him shall appear expedient, and every such Person when so removed shall be, and shall to all Intents and Purposes be deemed to be, in the proper legal Custody for and during the Time of such Removal, and for and during such Time as he or she shall be in the Place to which he or she shall be so removed, in like Manner to all Intents and Purposes as if such Person had been continued in his or her original Place of Confinement and had not been by any such Order removed from the same; and no Right, Duty, Authority, Liability, Jurisdiction, Franchise, Power, Privilege, or Function of any Person whatsoever, which if such Removal had not taken place would have existed or could or might have been used or exercised, shall be in any Degree affected, altered, diminished, or prejudiced by or in consequence of any such Removal: Provided always, that in Case any such Prisoner shall be removed under the Provisions of this Act from any County into any other County the Expenses of the Support and Maintenance of such Prisoners respectively in any Place to which they shall be so removed shall be paid and provided for by the County from which they shall respectively have been so removed, in like Manner as the same ought to have been paid or provided for before such Removal; and the Expenses of any such Removal under this Act, and of any Removal of Prisoners under the said recited Acts of the Tenth and Eleventh and Twelfth and Thirteenth Years of Her Majesty, and of any further Removal of

10 & 11 Vict. c. 45. 12 & 13 Vict. c. 19.

5 & 6 W. 4. c. 38. s. 11.

Prisoners to their original Place of Custody, shall be charged and chargeable on the County from which they shall have been in the first instance so removed; and the said Act of the Fourteenth and Fifteenth Years of Her present Majesty shall extend to and include such Expenses, and in every Case where any such Expenses as aforesaid or any such Expenses as are mentioned in the Fourth Section of the said last-mentioned Act shall have been incurred by any Gaoler, Bridewell Keeper, or other Prison Officer when in charge of any such Prisoners, such Expenses shall in the first instance be paid as follows, that is to say, by the Governor when the said Expenses shall have been incurred by the Governor or any Officer of any Prison other than a Bridewell, and by the Local Inspector when the said Expenses shall have been incurred by the Keeper or other Officer of any Bridewell; and the said Expenses of such Governor, Keeper, or other Prison Officer shall not be paid by the Inspector of Constabulary, anything in the said recited Act of Fourteenth and Fifteenth Years of Her Majesty, Chapter Eighty-five, contained to the contrary notwithstanding; and the Local Inspector and Governor of the County Gaol shall from Time to Time lay before the Board of Superintendence of the said Gaol Accounts duly vouched of the Expenses so incurred, and the said Board of Superintendence are hereby empowered and required to examine such Accounts, and upon being satisfied of their Reasonableness and Accuracy, to pay the same out of any Funds under their Control.

Expenses shall not be paid by Sub-Inspectors of Constabulary.

XXXVII. It shall be lawful for the Grand Jury of any Borough which shall be a County of a City or a County of a Town, or the Council of any such Borough where such Council shall have Jurisdiction over the Prisons of such Borough, and whether or not the said Grand Jury or Council may have agreed with the Grand Jury of any County for the Maintenance by Contract of the Prisoners of such Borough, to contract and agree, in manner and subject to the Provisions herein-after contained, with the Grand Jury of any County immediately adjoining such Borough, for the Payment of any Sum or Sums of Money by either or both of the Parties to any such Agreement towards altering, enlarging, building, rebuilding, repairing, or improving any Prison situated or to be situated within such County or Borough, to be thenceforth used as the joint Common Gaol for such County and Borough, and either in addition to or in substitution for the existing Prisons of such County or Borough, or either of them, and towards the Expense and Maintenance, Clothing, safe Custody, and Punishment of the Persons committed thereunto, including their Committal and Conveyance to and from Prison, and all other Expenses of the said Prison, and to and in such joint Prison when the same shall be certified as is hereafter directed may be removed, committed, and imprisoned

Counties and Boroughs may agree for a joint Prison.

imprisoned all Criminals, Debtors, and other Persons who might theretofore have been lawfully committed to or imprisoned in the Common Gaol, House of Correction, or other Prison of the County or of the Borough which shall be a Party to any such Agreement.

Presentments may be made for joint Prisons.

XXXVIII. All Monies to be paid under any Agreement authorized by this Act for building, rebuilding, repairing, or enlarging any such joint Prison as aforesaid shall be presented and raised in the same Manner and subject to the same Conditions as Monies to be presented and raised by the Grand Jury of any County, and by the Grand Jury or Council of any such Borough as aforesaid, for building, rebuilding, or enlarging any Gaol, Bridewell, House of Correction, or other Prison under their Management respectively; and all Monies to be paid towards the current annual Expenses of such joint Prison, and towards defraying all other Expenses incurred by the contracting Parties, or either of them, in carrying such Agreement into effect, shall be presented and raised in the same Manner in all respects and subject to the same Conditions as Money to be presented and raised by the Grand Jury of any such County, or by the Grand Jury or the Council of any such Borough as aforesaid respectively, for defraying the ordinary current Expenditure of the several Gaols.

Committees may be appointed to make Arrangements for joint Prison.

XXXIX. It shall be lawful for the Grand Jury of any such County and for the Grand Jury or Council of any such Borough at any Assizes, or in the Case of the Council of any such Borough at a Special Meeting to be convened for that Purpose, to take into Consideration the Expediency of making any such Agreement as aforesaid, and in case such Grand Juries, or such other Grand Jury and Council, as the Case may be, shall resolve that it is expedient that such Agreement should be made, then for each such Grand Jury or Council to appoint not less than *Three* and not more than *Five* of the Members of such Grand Jury or Council, as the Case may be, to be a Committee on Behalf of such Grand Jury or Council to negotiate and make such Agreement as aforesaid, and from Time to Time at the same or any subsequent Assizes, or in Case of the Council at any subsequent Special Meeting to be convened for the Purpose, to fill up any Vacancy in the said Committee caused by Death, Resignation, or otherwise.

The Committees appointed shall form a joint Committee, and shall draw up Agreement.

XL. Each Committee so appointed shall be deemed to represent respectively the Grand Jury or Council by which it shall have been appointed, and the Committees so appointed shall form One joint Committee, and shall draw up an Agreement distinctly setting forth the Terms and Conditions upon which the said Grand Juries or Grand Jury and Council shall make any such Agreement as aforesaid; which Agreement when subscribed by a Majority of the Members of each

Committee, severally representing the Grand Jury or Council by which it shall have been appointed, and approved and confirmed as hereinafter directed, shall be binding on the said Grand Juries, or the said Grand Jury and Council, and on all other Persons, to all Intents and Purposes.

What the Agreement shall specify.

XLI. Every such Agreement shall specify the Place where such Prison is or is to be situated, and the County and Borough for which it is proposed to be built or used (the Area and Proportion of the same being set forth in so far as the same may be known), and such Agreement shall further specify the Number of Prisoners for which it is proposed that Accommodation should be provided, and such Agreement shall further specify the Proportion in which the Expenses of purchasing any Site, and of building, finishing, and fitting up such Prison, or, as the Case may be, of enlarging and improving such Prison, shall be borne by each of the contracting Parties; and also the Proportion in which the Expenses of rebuilding or repairing such Prison in the event of any sudden Accident happening thereunto, shall be contributed by each of the contracting Parties; and also whether such Prison is to be used in place of or in addition to any and which of the existing Prisons of the said County or Borough; and also the Mode in which it is proposed to constitute the Board of Superintendence of such Prison, and the Amount of the Salaries proposed to be paid annually to the Officers of such Prison, and the Proportion in which the same Salaries and such Expenses as may be incurred in respect of the ordinary Repairs of such Prison, the Government and Discipline of such Prison, the Maintenance, Management, and Custody of Prisoners, and all other current and ordinary Expenses of the said Prison, shall be apportioned on each of the contracting Parties, and such Proportion may be either a fixed Share determined beforehand of the ordinary annual Expenses of the said Prison, or be made to depend upon, vary with, and be ascertained and calculated by the Number of Prisoners who shall be confined in the said joint Prison from the said County and Borough respectively, and the Period of Time for which each such Prisoner shall be so confined, such Calculations to be made at such Intervals and according to such Scale as in the said Agreement shall be mentioned, and to be either at a fixed Rate by the Day, Week, or Month for the Cost of each such Prisoner, or at the actual average daily, weekly, or monthly Cost of each such Prisoner, according to the whole Number of Prisoners for the Time being confined in such Prison, and such Agreement shall also specify the Period of Time, not being less than *Three* Years, for which the First Agreement for such Proportion of such current and ordinary Expenses (whether the same shall be at a fixed or variable Proportion) shall endure: Provided always, that at the Expiration of such

such Period the Agreement shall nevertheless continue in force, unless and until altered and renewed, upon such Terms and in such Manner as is herein-after directed.

Agreement shall be laid before Grand Juries and Council for Approval.

XLII. Whenever any Agreement shall have been so entered into and signed the joint Committee shall lay the same for Approval before the Grand Juries or Grand Jury and Council of the said County and Borough at the Assizes, if any then current, or at the Assizes holden next after the making thereof, and in the Case of the Council of the Borough at a Special Meeting to be convened for that Purpose, and shall deliver to such Grand Juries or Grand Jury and Council respectively a Duplicate of such Agreement to be filed by the Clerk of the Peace or Town Clerk of such County or Borough, to be by them kept with the Records of the said County or Borough: Provided always, that no such Agreement shall be valid until the same shall have been approved of by the several Parties thereto in manner aforesaid, and until the same shall have been confirmed by the Lord Lieutenant as herein-after directed.

Agreement shall be submitted to Lord Lieutenant for Approval.

XLIII. Each of the said Parties shall forthwith cause such Agreement, when approved of in manner aforesaid, to be laid before the Lord Lieutenant, and it shall be lawful for the Lord Lieutenant to confirm such Agreement, and to direct that such Prison, when certified by One of the Inspectors General of Prisons in Ireland to be fit for the Reception of Prisoners, or of the additional Prisoners whom it shall be proposed to confine therein, shall thenceforth be used as a joint Common Gaol, as well for Debtors as Criminals, for such County and Borough respectively.

Lord Lieutenant, on Report of Inspectors General, may direct Prison to be used as a joint Prison, and Prisoners to be removed to it.

XLIV. When any joint Prison, or a sufficient Part thereof, shall have been built, or enlarged or improved, as the Case may be, and fitted up for the Reception of Prisoners, or of the additional Prisoners whom it shall have been agreed to confine therein, and proper Officers shall have been appointed for the Management thereof, the Inspectors General of Prisons or One of them shall certify, in Writing under their or his Hand to the Lord Lieutenant, that such Prison, or a sufficient Part thereof, is so fitted and completed, and that such Officers have been appointed, and it shall thereupon be lawful for the Lord Lieutenant, by an Order in Writing, to direct that such joint Prison may thenceforth be used as a Gaol, as well for Debtors as Criminals, for the said County and Borough respectively, either in addition to or in place of (as shall be specified in said Order) the other then existing Gaols of the said County or Borough, and that all Prisoners, as well Debtors as Criminals, at that Time confined in

the Common Gaol, Bridewell, House of Correction, or other Prisons of the said County or Borough, or such and so many of such Prisoners as shall be specified in the said Order, may, if requisite, be forthwith removed to such joint Prison by the Governors or Keepers of such Gaols, Bridewells, Houses of Correction, or other Prisons as aforesaid, and the Removal of any such Prisoners, in obedience to any such Order, shall not be construed to be an Escape.

Board of Superintendence to be appointed for joint Prison.

XLV. It shall be lawful for the Grand Jury or Council of any County or Borough which shall be Party to any such Agreement as aforesaid, and each and every such Grand Jury and Council is hereby authorized and required, at the Assizes, with the Consent and Approbation of the Court or a Judge, or at a Special Meeting of such Council, to appoint so many Persons as it shall have been agreed should be appointed by each such Grand Jury or Council respectively (One Half of whom at the least shall be Justices of the Peace for the County or Borough by the Grand Jury or Council whereof they shall be so appointed) to be and form together One joint Board of Superintendence of such joint Prison; and it shall and may be lawful for any such Grand Jury or Council at any subsequent Assizes, or at any subsequent Special Meeting, to remove any Member or Members of such Board who shall have been appointed by such Grand Jury or Council respectively, and to fill up any Vacancies among such last-mentioned Members occasioned by Death, Resignation, or otherwise; and such Board of Superintendence shall have the same Powers, Authorities, Jurisdiction, and Discretion over and with respect to such joint Prison, and the Appointment of the Officers thereof, and over and with respect to the Prisoners therein, as are or shall be given to or vested in the Board of Superintendence of any County Prison over or with respect to such Prison, and the Officers thereof or the Prisoners therein, by this Act or the Prisons Act, or any Act amending the same; and any *Three* or more of such Board of Superintendence, One of whom at least shall be a Justice of the Peace for either the said County or the said Borough, shall be in all Cases competent to do and perform any Matter or Thing whatsoever in execution of any Duty required to be done and performed, or which might be lawfully done and performed by the whole Board of Superintendence in virtue of any Powers granted to them by this Act, or the Prisons Act, or any other Act in which there shall not be an express Provision to the contrary; and every Act done or performed by such Three Members of such Board of Superintendence (One of whom at least shall be a Justice of the Peace, and all of whom may have been appointed Members of such Board by the Grand Jury of the County, or, as the Case may be, by the Grand Jury

Quorum.

Jury or Council of the Borough) shall be as valid and effectual to all Intents and Purposes as if done by the whole Board of Superintendence.

Presentments may be made to Joint Board.

XLVI. It shall and may be lawful for the Grand Jury of every County, and for the Grand Jury or Council of every Borough which shall be Party to any such Agreement, to make all Presentments of Money for such joint Prison to such Board of Superintendence, to be by them appropriated to the several Purposes for which such Moneys are intended, and also, if they shall think proper so to do, to present in advance to such Board any reasonable Sum or Sums which such Grand Jury or Council shall deem necessary for any of the Purposes for which Presentments are or shall be allowed by the Prisons Act or this Act, or any Act which for the Time being shall be in force in Ireland relating to Repairs, Accommodation, or Discipline of Prisons; and every Sum so presented in advance shall and may be afterwards applied or applicable, by or under the Orders of such Board of Superintendence, to the Purposes for which the same shall be so presented respectively, and shall be afterwards duly accounted for according to Law.

Joint Board to be the Board of Superintendence of all Prisons in County and Borough.

XLVII. Such Board of Superintendence of such joint Prison shall be the Board of Superintendence of every Gaol, Bridewell, House of Correction, or other Prison within such County or Borough, not being the Prison of a different County, and all the Provisions of the Prisons Act and of this Act, and of every other Act or Acts relating to the Board of Superintendence to be appointed by the Grand Jury, or Council of any County or Borough, for every Gaol, Bridewell, House of Correction, or other Prison within such County or Borough, shall apply, extend to, and include the said Board of Superintendence of such joint Prison as if the said Board had been appointed by such Grand Jury or Council for every such Gaol, Bridewell, House of Correction, or other Prison as aforesaid.

Revisal of Agreement.

XLVIII. On the Termination of the Period specified in any such Agreement as aforesaid for the Continuance of the Proportion to be contributed by each of the contracting Parties towards the current and ordinary Expenses of any such joint Prison, or on the Termination of any such further Period as shall have been agreed on or settled as herein-after provided, the Board of Superintendence for the Time being of any such joint Prison shall, in case it shall appear to them proper to make any Alteration in the Proportion for the Time being adopted, proceed to propose a Revisal of such Proportion to the Grand Juries, or Grand Jury and Council, of the said County and Borough

assembled respectively at Assizes or at a special Meeting; and shall also propose the Period, not being less than *Five* Years, for which the then existing or such revised Proportion shall endure, and the Time when the said revised Proportion shall commence; and any such Proposal, when approved of by a Resolution of the said Grand Juries, or Grand Jury and Council respectively, shall to all Intents and Purposes be an Agreement binding upon the Parties thereto, and shall continue in force for the Period in the said Proposal specified, and also from and after the End of the Period so specified, until a Proposal for further Revisions shall be adopted as aforesaid or Award made, as is herein-after authorized.

In case the Parties shall disagree upon the Terms of a new Agreement the Lord Lieutenant may appoint an Arbitrator.

XLIX. In case the said Board of Superintendence for the Time being of any such joint Prison shall neglect or refuse to propose such Revisal of the Proportion for the Time being, and either or both of the said Grand Juries, or Grand Jury and Council, as the Case may be, shall resolve that some Revisal of such Proportion ought to be proposed, but shall not agree upon the Terms of such Proposal, or in case the said Board of Superintendence for the Time being of any such joint Prison shall propose some Revisal of such Proportion, and either or both of the said Grand Juries, or Grand Jury and Council, as the Case may be, shall not agree to such Proposal, then and in either of such Cases it shall be lawful for the Lord Lieutenant, upon the Application of either of the said Grand Juries, or Grand Jury and Council, as the Case may be, to appoint any Barrister to be an Arbitrator to determine the Matters in dispute, and such Barrister shall have Power to arbitrate between the Parties; and the said Barrister shall summon the several Clerks of the Peace and the Town Clerks of the several Parties so contracting as aforesaid, the Governor of the said joint Prison, and such other Persons as he may require, to appear before him at a Time and Place to be by him appointed, and there to give Evidence upon Oath (which Oath such Arbitrator shall be empowered to administer), and to produce all Information touching the Matters in dispute; and such Arbitrator may, if he shall think fit, adjourn the Hearing from Time to Time, and require all such further Information to be afforded as shall appear to him to be necessary, and shall, by his Award in Writing, determine the several Matters in dispute, and his Award shall be final and conclusive between the Parties for the Term of *Five* Years, and also from and after the End of such Term of *Five* Years until a Proposal for further Revision shall be adopted as aforesaid or Award made, as is herein authorized; and such Arbitrator shall assess the Costs of such Arbitration, and shall direct by whom and out of what Fund the same shall be paid, and the same shall be paid accordingly.

5 G. 4. c. 85. s. 24.

L. The

L. The Ninth Section of the Act passed in the Session of Parliament holden in the Third and Fourth Years of Her present Majesty, Chapter One hundred and nine, is hereby repealed; and it shall be lawful for the Grand Jury of any Borough which shall be a County of a City or County of a Town, or for the Council of any such Borough, when such Council shall be the Body having authority over the Gaols of the said Borough, to contract with the Grand Jury of any County adjoining the said Borough, or with which it shall have a common Boundary, for the Support and Maintenance in any Gaol or House of Correction of such County of the Prisoners, as well Debtors as Criminals, committed thereto from such Borough; provided that no such Contract be entered into without an Order for that Purpose being made by each Grand Jury or Council which shall be party thereto in their County Book or other Book in which their Proceedings are entered, and every such Contract may either be perpetual or limited to a Term of Years, as the Parties shall mutually agree; and during the Existence of such Contract all Prisoners, as well Debtors as Criminals, who would otherwise be confined in the Gaol or House of Correction of such Borough, may be lawfully committed or removed to and confined in the Gaol so receiving them under such Contract, and every Person so committed and removed shall be, and shall to all Intents and Purposes be deemed to be, in the proper legal Custody for and during the Time of such Committal and Removal, and for and during such Time as he shall be in the said Prison so receiving him, under such Control as aforesaid, in like Manner to all Intents and Purposes as if such Person had been committed to or had been or continued to be in the Common Gaol of such Borough; and every such Prisoner, Debtor, or other Person, shall, during his or her Confinement in such County Prison, be in all respects subject to the sole Government and Control of the Board of Superintendence of such County Prison.

Sect. 9. of 3 & 4 Vict. c. 109. repealed.

Borough may contract with County for Reception of Prisoners in the County Gaol.

LI. In any Case in which the Grand Jury of any such Borough as aforesaid, or the Council of any such Borough, when such Council shall be the Body having Jurisdiction over the Gaols of the said Borough, shall have agreed with the Grand Jury of an adjoining County for the Maintenance by Contract of the Prisoners committed from such Borough, it shall be lawful for the Grand Jury or Council of such Borough, whether such Contract shall be perpetual or limited to a Term of Years, to present or cause to be paid, if they shall so think fit, any Sum of Money to the Grand Jury of the County with which they shall have made such Contract, to be by such last-mentioned Grand Jury, or any other Persons authorized in that Behalf, expended in or towards enlarging or repairing the Gaol or House of Correction, in which it shall have been agreed to maintain the Prisoners

Grand Jury of Borough may present for Amount of such Contract.

to be committed from such Borough, and in or towards preparing such Gaol as a joint Prison for the Accommodation of such Prisoners.

Borough may convey old Prison not required to County.

LII. In any Case in which the Grand Jury of any such Borough as aforesaid, or the Council of such Borough, when such Council shall be the Body having Jurisdiction over the Gaols of the said Borough, shall, under the Provisions of this Act, have completed any Contract for the Erection or Adoption of a joint Prison in lieu of the previously existing Prison of such Borough, or shall, under the Provisions aforesaid, have entered into any perpetual Agreement with the Grand Jury of any adjoining County for the Maintenance by Contract of the Prisoners committed from such Borough, and the Grand Jury or Council of such Borough shall not deem it advisable to sell or dispose of the old Prison of such Borough, in manner authorized by the Forty-eighth Section of the Prisons Act, it shall be lawful for such Grand Jury or Council to grant and convey to the Grand Jury of the County with which they shall have made such Contract for the Erection of a joint Prison, or for the Maintenance of the Prisoners committed from that Borough, as the Case may be, all or any of the old Prisons of such Borough, and the Ground and Soil thereof, for such Estate or Interest as such Borough, or any Person or Persons in trust for them, shall have therein, and that either gratuitously or upon such Terms and for such Sums of Money as to the Grand Jury or Council of such Borough shall seem fit, such Sum of Money to be either paid to the Treasurer of the Grand Jury or Council of such Borough by the Grand Jury to which such Prison shall be thus conveyed, or to be allowed and credited by such last-mentioned Grand Jury in their Account with the Grand Jury or Council of such Borough for the Maintenance by Contract of the Prisoners committed or removed from such Borough, or for the Contribution by such Borough towards the Expenses of such joint Prison as aforesaid; and it shall be lawful for such Grand Jury to appoint any Number of Persons, not more than *Twelve* nor less than *Six*, to be Trustees for receiving such Grant or Conveyance as aforesaid, and such old Prison (in case the Grand Jury of the County to which it shall have been so conveyed shall think fit at any Time afterwards to employ it as a Gaol or to confine Prisoners therein) shall, for all Purposes relative to the Jurisdiction of Justices of the Peace, and other Persons empowered to act in the Government of the Prisons of such County, be deemed to be within such County.

Trial of Prisoners committed or removed to

LIII. All Prisoners, as well Debtors as Criminals, committed or removed to, or confined in, any such joint Prison as aforesaid from the County which was Party to the Contract under which such Prison

Prison was provided, shall be dealt with and be triable and tried in the same Manner as if such Prison were the Common Gaol of the County from which any such Prisoner was committed or removed; and all Prisoners, as well Debtors as Criminals, committed or removed to, or confined in, any such joint Prison as aforesaid from the Borough which was Party to the Contract under which such Prison was provided, and also all Prisoners, as well Debtors as Criminals, confined as aforesaid in the Gaol or House of Correction of any County, shall be dealt with in like Manner as if such joint Prison, or, as the Case may be, such County Prison, were the Common Gaol of the Borough from which any such Prisoner was committed or removed; and every Prisoner committed or removed before Trial from any Borough to any such joint Prison, or, as the Case may be, to such County Prison, shall be triable and tried in the Manner heretofore accustomed, and in the usual Place of Trial of such Borough, or other the Place in which he or she would or might have been tried if this Act had not been passed; and it shall be lawful for the Magistrates, or other proper Officers of such Borough, to direct the Removal of such Prisoner for Trial, and to do all other Acts necessary for such Trial or consequent thereon: Provided nevertheless, that nothing in this Act contained shall be deemed or taken to control, or in any manner limit or interfere with any Power which is by an Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Twenty-six, or by an Act of the Session holden in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Eighty-five, or by any other Act now in force, vested in the Lord Lieutenant of Ireland, of altering, with the Advice of Her Majesty's Privy Council in Ireland, the Place of holding the Assizes or Sessions, or special Commission or Commissions of Oyer and Terminer, of or for any County, County of a City, or County of a Town in Ireland, or to interfere with or in any manner invalidate or affect any Order in Council heretofore made for that Purpose, under the Authority of the said Acts or any of them.

joint Prison or to County Prison under Contract.

LIV. Whenever the Grand Jury of any such Borough as aforesaid, or the Council of such Borough, shall, under the Provisions of this Act, have completed any Contract for the Erection or Adoption of a joint Prison in lieu of the previously existing Prisons of such Borough, or shall, under the Provisions aforesaid, have entered into any Agreement (whether perpetual or limited to a Term of Years) with the Grand Jury of any adjoining County for the Maintenance by Contract of the Prisoners committed from such Borough, and whenever, by reason of the Removal of the Prisoners from the Borough Gaols to the joint Prison or County Gaol, pursuant to such Contract, any

Compensation to Officers of Prisons becoming unnecessary.

Officers of any Gaol or House of Correction of such Borough shall become unnecessary and shall be discharged from their respective Offices, it shall be lawful for the Grand Jury, or, as the Case may be, the Council of such Borough, but not unless they shall think fit so to do, at each Assizes without Application to Presentment Sessions to present *One Moiety* of such respective annual Sum as the said Grand Jury or Council shall deem fit to be paid as an Allowance or Compensation to every or any such Officer so discharged for the Cause aforesaid, during his or her Life, which respective Sums shall from Time to Time be raised, levied, and paid as other Sums raised and levied under Presentments of the Grand Jury at the same Assizes: Provided always, that no such annual Allowance or Sum shall, in any Case, exceed *Two Thirds* of the annual Salary to which such Officer shall have been entitled at the Time of his Discharge as aforesaid: Provided further, that if any Officer for whom any such Compensation shall be presented shall at any Time afterwards be nominated or appointed to any Office or Employment in or relating to any of the Gaols of the County and Borough which shall be Parties to such Agreement, or of either of them, the Salary and Emolument of which Office or Employment shall be equal to or exceed the Amount of Salary and Emoluments of which such Officer was in receipt at the Time of his Discharge as aforesaid, then and in such Case the Compensation so hereby provided for every Person so nominated or appointed shall cease and determine from the Day of such Nomination or Appointment; and provided further, that if any such discharged Officer who shall be so nominated or appointed as aforesaid shall decline or refuse to accept such Office or Employment, his or her Compensation under this Act shall cease and determine.

Prisons (Ireland).

A

BILL

To further amend the Laws relating to Prisons in Ireland.

(*Prepared and brought in by Mr. Horsman, Mr. Attorney-General for Ireland, and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 4 *February* 1856.

[Bill 10.]

Under 5 oz.

A

BILL

FOR

Further amending the Law touching Evidence and Procedure.

WHEREAS the Laws touching Evidence and Procedure require further Amendment: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Whereas by the Twentieth Section of the Common Law Procedure Act, 1854, it is enacted, that "if any Person called as a "Witness or required or desiring to make an Affidavit or Deposition "shall refuse or be unwilling from alleged conscientious Motives to "be sworn, it shall be lawful for the Court or Judge, or other pre- "siding Officer or Person qualified to take Affidavits or Depositions, "upon being satisfied of the Sincerity of such Objection, to permit "such Person, instead of being sworn, to make his or her solemn "Affirmation or Declaration in the Words following; videlicet, Sects. 20. to 27. of 17 & 18 Vict. c. 125. extended to all Courts of Justice. Sect. 103. of 17 & 18 Vict. c. 125.

"'I A.B. do solemnly, sincerely, and truly affirm and declare, "'That the taking of any Oath is, according to my religious "'Belief, unlawful; and I do also solemnly, sincerely, and truly "'affirm and declare, &c.'

" Which solemn Affirmation and Declaration shall be of the same " Force and Effect as if such Person had taken an Oath in the usual " Form :" And by the Twenty-first Section thereof it is enacted, " that " if any Person making such solemn Affirmation or Declaration shall " wilfully, falsely, and corruptly affirm or declare any Matter or " Thing which, if the same had been sworn in the usual Form, " would have amounted to wilful and corrupt Perjury, every such " Person so offending shall incur the same Penalties as by the Laws " and Statutes of this Kingdom are or may be enacted or provided " against Persons convicted of wilful and corrupt Perjury :" And by the Twenty-second Section thereof it is enacted, that " a " Party producing a Witness shall not be allowed to impeach " his Credit by general Evidence of bad Character, but he " may, in case the Witness shall, in the Opinion of the Judge, " prove adverse, contradict him by other Evidence, or, by Leave " of the Judge, prove that he has made at other Times a Statement " inconsistent with his present Testimony; but before such last-" mentioned Proof can be given the Circumstances of the supposed " Statement, sufficient to designate the particular Occasion, must be " mentioned to the Witness, and he must be asked whether or not he " has made such Statement :" And by the Twenty-third Section thereof it is enacted, that " if a Witness, upon Cross-examination as to " a former Statement made by him relative to the Subject-matter of " the Cause, and inconsistent with his present Testimony, does not " distinctly admit that he has made such Statement, Proof may be " given that he did in fact make it; but before such Proof can be " given the Circumstances of the supposed Statement, sufficient to " designate the particular Occasion, must be mentioned to the Witness, " and he must be asked whether or not he has made such Statement :" And by the Twenty-fourth Section thereof it is enacted, " that a " Witness may be cross-examined as to previous Statements made by " him in Writing, or reduced into Writing, relative to the Subject-" matter of the Cause, without such Writing being shown to him; but " if it is intended to contradict such Witness by the Writing, his " Attention must, before such contradictory Proof can be given, be " called to those Parts of the Writing which are to be used for the " Purpose of so contradicting him: Provided always, that it shall be " competent for the Judge at any Time during the Trial to require " the Production of the Writing for his Inspection, and he may there-" upon make such Use of it for the Purposes of the Trial as he shall " think fit :" And by the Twenty-fifth Section thereof it is enacted, that " a Witness in any Cause may be questioned as to whether he " has been convicted of any Felony or Misdemeanor, and on being " so questioned, if he either denies the Fact or refuses to answer, it " shall be lawful for the opposite Party to prove such Conviction, and

" a

" a Certificate containing the Substance and Effect only (omitting the " formal Part) of the Indictment and Conviction for such Offence, " purporting to be signed by the Clerk of the Court or other Officer " having the Custody of the Records of the Court where the Offender " was convicted, or by the Deputy of such Clerk or Officer (for " which Certificate a Fee of Five Shillings and no more shall be " demanded or taken), shall, upon Proof of the Identity of the Person, " be sufficient Evidence of the said Conviction, without Proof of the " Signature or official Character of the Person appearing to have " signed the same:" And by the Twenty-sixth Section thereof it is enacted, that " it shall not be necessary to prove by the attesting " Witness any Instrument to the Validity of which Attestation is not " requisite; and such Instrument may be proved by Admission or " otherwise as if there had been no attesting Witness thereto:" And by the Twenty-seventh Section thereof it is enacted, that " Comparison of a disputed Writing with any Writing proved to the " Satisfaction of the Judge to be genuine shall be permitted to be " made by Witnesses, and such Writings and the Evidence of Witnesses respecting the same may be submitted to the Court and " Jury as Evidence of the Genuineness or otherwise of the Writing " in dispute": And whereas it is expedient to extend the Operation of the said Provisions: Be it enacted, That the same shall apply and extend to all Courts of Judicature, as well criminal as all others, and to all Persons having by Law or by Consent of Parties Authority to hear, receive, and examine Evidence.

II. Whereas by the Fourth Section of an Act passed in the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Ninety-nine, it is enacted, that nothing therein contained shall apply to any Action, Suit, Proceeding, or Bill in any Court of Common Law or in any Ecclesiastical Court, or in either House of Parliament, instituted in consequence of Adultery, or to any Action for Breach of Promise of Marriage: Be it enacted, That so much thereof as enacts that nothing therein contained shall apply to any Action, Suit, or Proceeding in any Court of Common Law instituted in consequence of Adultery, or to any Action for Breach of Promise of Marriage, shall be and is hereby repealed.

Sect. 4. of 14 & 15 Vict. c. 99. in part repealed.

III. Whereas by the Second Section of the Act of the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Ninety-nine, it is enacted, " that on the Trial of any Issue joined or of any Matter " or Question or on any Inquiry arising in any Suit, Action, or " other Proceeding in any Court of Justice, or before any Person " having by Law or by Consent of Parties Authority to hear, " receive, and examine Evidence, the Parties thereto and the Persons

Sect. 36. of 18 & 19 Vict. c. 96. repealed.

" in whose Behalf any such Suit, Action, or other Proceeding may " be brought or defended shall, except as therein-after excepted, be " competent and compellable to give Evidence, either vivâ voce or by " Deposition, according to the Practice of the Court, on behalf of " either or any of the Parties to the said Suit, Action, or other " Proceeding:" And whereas by the Thirty-sixth Section of the " Supplemental Customs Consolidation Act, 1855," it is enacted, that " the Second Section of the Act of the Fourteenth and Fifteenth " Years of Her present Majesty, Chapter Ninety-nine, shall not be " deemed to apply to any Prosecution, Suit, or other Proceeding in " respect of any Offence or for the Recovery of any Penalty or " Forfeiture under any Law now in force or hereafter to be made " relating to the Customs or Inland Revenue:" Be it enacted, That the said Thirty-sixth Section of the " Supplemental Customs Consolidation Act, 1855," shall be and is hereby repealed, and shall not be deemed or taken to be incorporated in or form Part of " The Customs Consolidation Act, 1853," or otherwise introduced into that Act: And whereas it is expedient to extend the Operation of the Provisions contained in the said Second Section of the Act of the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Ninety-nine: Be it enacted, That the same shall apply and extend to all Informations, Suits, and other Proceedings instituted in the Court of Exchequer at Westminster or Dublin, in respect of any Offence for or for the Recovery of any Penalty or Forfeiture under any Law relating to the Customs or Inland Revenue.

A single Witness sufficient to prove any Fact. Proviso as to High Treason and Orders of Affiliation.

IV. Any Fact may be proved or disproved in any Suit, Action, or Proceeding, whether civil or criminal, in any Court of Judicature, by the uncorroborated Testimony of a single Witness, if such Testimony be deemed worthy of Credit; but this Enactment shall not apply to any Prosecution for High Treason or to Orders of Affiliation.

Traders Books of Account admissible in Evidence.

V. In every Suit, Action, or Proceeding, whether civil or criminal, in any Court of Judicature or before any Person having by Law or by Consent of Parties Authority to hear, receive, and examine Evidence, wherein any Person subject to the Bankruptcy Laws, or his Executors, Administrators, or Assignee, shall be a Party, the Books of Account of such Person shall, if the Entries therein can be proved to have been made either by himself or by some Clerk or Agent of his whose Absence is satisfactorily accounted for, be receivable on behalf of such Person or his Representative as some Evidence of the Truth of the Matters therein contained; provided such Books or the Entries in question shall appear to the Judge or other presiding Officer to have been made and kept fairly, and with a reasonable Degree of Regularity.

VI. Writs

Writs of Subpœna and of Mandamus may be issued and tested on any Day.

VI. Writs of Subpœna ad testificandum, Writs of Subpœna duces tecum, and Writs of Mandamus may respectively be issued and tested on any Day, whether in Term or in Vacation.

17 & 18 Vict. c. 34. extended to other Courts besides the Superior Courts of Common Law.

VII. The Act of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Thirty-four, intituled "An Act to enable "the Courts of Law in England, Ireland, and Scotland to issue "Process to compel the Attendance of Witnesses out of their "Jurisdiction, and to give effect to the Service of such Process in any "Part of the United Kingdom," shall apply and extend not only to the Courts of Common Law therein named, but also to the Superior Courts of Equity, whether at Westminster, Lancaster, or Dublin, the Judicial Committee of the Privy Council, the Court of Admiralty, whether in England or Ireland, the Prerogative Court of Canterbury, the Consistory Court of London, the Court of Bankruptcy in London, the Court for the Relief of Insolvent Debtors in London, the Court of Common Pleas at Lancaster, the Court of Pleas at Durham, the Court of the Vice-Warden of the Stannaries, and the County Courts.

English Courts empowered to issue Subpœnas, &c. out of their Jurisdiction.

VIII. All Courts in England which are authorized to issue Process within the Limits of their respective Jurisdictions for the Purpose of enforcing the Attendance of Witnesses or the Production of Documents are hereby empowered to issue such Process into any Part of England; and any such Process being served in any Part of England shall be as effectual for all Purposes as if it had been served within the Jurisdiction of the Court from which it issues.

Irish Courts empowered to issue Subpœnas, &c. out of their Jurisdictions.

IX. All Courts in Ireland which are authorized to issue Process within the Limits of their respective Jurisdictions for the Purpose of enforcing the Attendance of Witnesses or the Production of Documents are hereby empowered to issue such Process into any Part of Ireland; and any such Process being served in any Part of Ireland shall be as effectual for all Purposes as if it had been served within the Jurisdiction of the Court from which it issues.

Disobedience to Process issued by inferior Court beyond its Jurisdiction punishable in Superior Courts of Common Law by Attachment.

X. In case any Person so served as in the last Two preceding Sections mentioned shall not appear according to the Exigency of such Process, the Court out of which it issued may, upon Proof of Service and Default, transmit a Certificate of such Default, under the Seal of the Court, or under the Hand of One of the Judges or Justices of the same, to any One of the Superior Courts of Common Law at Westminster, in case such Service was had in England, or to any One of the Superior Courts of Common Law in Dublin, in case such Service was had in Ireland; and the Court to which such Certificate is so sent shall proceed against and punish the Person so

having made default in like Manner as if such Person had disobeyed a Writ of Subpœna issued out of such last-mentioned Court.

Witness may be compelled to criminate himself in certain Cases.

XI. No Witness shall in any Suit, Action, or Proceeding, whether civil or criminal, to which he is not a Party, be permitted to refuse to answer any Question which is relevant and material to the Matter in issue, on the Ground that the Answer may expose him to any Penalty or Forfeiture, or may otherwise criminate himself, unless the Judge or other presiding Officer shall be of opinion that the Answer will tend to subject such Witness to Punishment for a Felony.

Sect. 18. of 11 & 12 Vict. c. 42. in part repealed.

XII. So much of Section Eighteen of the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-two, as provides that the Justice or Justices before whom any Person is charged with an indictable Offence "shall, before such accused "Person shall make any Statement, state to him and give him "clearly to understand that he has nothing to hope from any "Promise of Favour and nothing to fear from any Threat which "may have been holden out to him to induce him to make any "Admission or Confession of his Guilt, but that whatever he shall "then say may be given in Evidence against him on his Trial, "notwithstanding such Promise or Threat," is hereby repealed.

Confessions when admissible, though Inducement held out.

XIII. No Confession which is tendered in Evidence on any Trial shall be rejected on the Ground that a Promise or Threat has been held out to the Person confessing, unless the Judge or other presiding Officer shall be of opinion that the Inducement was really calculated to cause an untrue Admission of Guilt to be made.

Confessions purporting to be made on Oath, admissible if not so made.

XIV. No Confession which is tendered in Evidence on any Trial shall be rejected on the Ground that it purports to have been made on Oath, if Proof can be given to the Judge or other presiding Officer that in fact it was not so made.

Confessions to Clergymen inadmissible.

XV. No Clergyman shall, without the Consent of the Person making the Confession, divulge in any Suit, Action, or Proceeding, whether civil or criminal, any Confession made to him in his professional Character, according to the Usage of the Church to which he belongs.

Communications to Medical Men protected.

XVI. No Physician, Surgeon, or Apothecary shall, without the Consent of his Patient, divulge in any Civil Suit, Action, or Proceeding, unless the Sanity of the Patient be the Matter in dispute, any Information which he may have acquired in attending the Patient, and

and which was necessary to enable him to prescribe or act for the Patient.

XVII. Section Seventeen of the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-two, and the Form (M.) given in the Schedule to the same Act, and so much of Section Fourteen of the Act of the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Ninety-three, as enacts that "in every Case where "any Person shall appear or be brought before any Justice or "Justices charged with any indictable Crime or Offence such Justice "or Justices, before committing such Person for Trial or admitting him to bail, shall in the Presence of such Person, who shall be "at liberty to put Questions to any Witness produced against him, "take the Depositions (A b.), on Oath and in Writing, of those who "shall know the Facts of the Case, and such Depositions shall be "read over to and signed respectively by the Witnesses who shall "have been so examined, and shall also be signed by the Justice or "One of the Justices who shall take the same; and if upon the Trial "of the Person so accused it shall be proved by the Oath of any "credible Witness that any Person whose Deposition shall have been "so taken is dead, and that such Deposition was taken in the Presence or Hearing of the Person accused, and that he or his Counsel "or Attorney had an Opportunity of cross-examining such Witness, "it shall be lawful to read such Deposition as Evidence on the Trial, "without further Proof thereof, unless it shall be proved that the same "was not signed by the Justice purporting to have signed the same;" and the Form (A b.) given in the Schedule to the same Act are hereby respectively repealed and annulled.

Sect. 17. of 11 & 12 Vict. c. 42., and Sch. (M.) of same Act, and Part of Sect. 14. of 14 & 15 Vict. c. 93., and Sch. (A b.) of same Act, repealed and annulled.

Depositions of Witnesses who have died.

XVIII. When any Person shall appear or be brought before any Justice of the Peace charged with any indictable Offence, such Justice, before committing him for Trial or admitting him to Bail, shall in his Presence take the Depositions on Oath, and in Writing, of the Witnesses, which Depositions may be in the Form given in the Schedule to this Act or to the like Effect, and shall allow the Accused or his Counsel or Attorney to cross-examine the Witnesses; and any such Deposition shall be read over to the Deponent, and shall be offered to him for Signature, and either it or the whole Body of the Depositions shall be signed by the Justice; and if upon the Trial of the Accused any Deponent shall be proved to the Satisfaction of the Court to be either dead or out of the United Kingdom, or unable, from permanent Sickness or other permanent Infirmity, to attend the Trial, or fraudulently or forcibly kept out of the Way by the Accused, his Deposition, provided that either it or the whole Body of the Depositions purport to be duly signed by such

Depositions before committing Justices how to be taken and when admissible.

Justice, shall be admissible as Evidence in such Prosecution, unless the Accused can prove to the Satisfaction of the Court either that the Deposition in question was not taken on Oath, or that it was not taken in his Presence, or that it was not read over to the Deponent, or tendered to him for his Signature, or that neither it nor the whole Body of the Depositions was signed by the Justice, or that the Accused or his Counsel or Attorney had not a full Opportunity of cross-examining the Deponent.

Court may order Payment of Expenses of Prisoners Witnesses.

XIX. The Court before which any Person shall be prosecuted for any indictable Offence may, if it thinks fit, in the event of the Grand Jury ignoring the Bill of Indictment against him or of his being acquitted at the Trial, order Payment to him of such Money as to such Court may seem reasonable, to reimburse his Witnesses for their Expenses, and to compensate them for their Trouble and Loss of Time in attending the Court; and such Order for Payment shall be forthwith made out and delivered by the proper Officer of the Court to the Defendant or his Attorney or Agent, free from all Expense, and shall be made upon the Treasurer of the County or other Person upon whom Orders for Payment of the Costs of Prosecutions may legally be made; and such Treasurer or other Person shall, upon Sight of every such first-mentioned Order, pay to the Defendant or his Attorney or Agent the Money named therein, and shall be allowed the same in his Accounts.

Prisoners charged with Felony entitled to Copy of Indictment.

XX. In all Prosecutions for Felony, the Court in which the Trial is had shall, if required by the Prisoner, order a Copy of the Indictment or Information to be delivered to him or his Counsel or Attorney at the Trial, free from all Expense, provided that the Prisoner or his Counsel or Attorney shall not have previously received a Copy thereof.

Right to begin and reply same to Crown as to Subject.

XXI. In every Action, Suit, or Proceeding, whether civil or criminal, which shall henceforth be either instituted or defended in any Court of Judicature by or on behalf or at the Instance of the Crown, the Law Officers of the Crown and those who represent the Crown shall not enjoy any other Right to begin or Right to reply than those Rights respectively which belong to Counsel representing ordinary Suitors.

Minute local Description of Offences unnecessary.

XXII. It shall not be necessary in any Criminal Prosecution, except as herein-after excepted, either to aver in the Indictment or Information, or to prove at the Trial, that the Offence alleged to have been committed was committed, in any particular Parish, Township, Village, or other local District less than a County, but this Enactment shall not apply to any Prosecution for the Non-repair of a Road

Exception.

or

ro Bridge, or to any Prosecution for transgressing a Statute which gives the Penalty imposed by it to the Poor of the Parish or other local District in which the Offence has been committed.

Enactment respecting Payment of Money into Court repealed.

XXIII. Section Twenty-one of the Act of the Third and Fourth Years of King William the Fourth, Chapter Forty-two; Section Two of the Act of the Sixth and Seventh Years of Her present Majesty, Chapter Ninety-six; the Act of the Eighth and Ninth Years of Her present Majesty, Chapter Seventy-five; so much of Section Eleven of the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-four, as relates to the Payment of Money into Court and the Proceedings consequent thereon; so much of Section Eleven of the Act of the Twelfth and Thirteenth Years of Her present Majesty, Chapter Sixteen, as relates to the Payment of Money into Court and the Proceedings consequent thereon; Sections Seventy, Seventy-one, Seventy-two, and Seventy-three of the Common Law Procedure Act, 1852; and Sections Seventy-five, Seventy-six, Seventy-seven, and Seventy-eight of the Common Law Procedure Amendment Act (Ireland), 1853, so far as the same relate to Payment of Money into Court, and except so far as the same relate to the Defence of Tender and the Proceedings consequent thereon, are hereby repealed.

Money may be paid into Court in personal Actions. Exception.

XXIV. In all personal Actions, except Actions for Criminal Conversation, and except such Actions as in the next Section are mentioned, the Defendant, or One, or some, or all, of several Defendants, may, without applying for any Rule or Order, pay into Court Money by way of Compensation or Satisfaction, either with respect to the whole or to Part only of the Plaintiff's Claim.

In Actions for Assault, &c., Defendant may, by Leave, pay Money into Court.

XXV. In all Actions for Assault and Battery, False Imprisonment, Libel, Slander, Malicious Arrest or Prosecution, or debauching of the Plaintiff's Daughter or Servant, the Defendant, or One, or some, or all of several Defendants, may, by Leave of the Court or a Judge, upon such Terms as the Court or Judge may think fit, pay into Court Money by way of Compensation or Satisfaction, either with respect to the whole or to Part only of the Plaintiff's Claim.

Form of Plea of Payment into Court.

XXVI. When Money is paid into Court such Payment must be pleaded, and the Plea may be to the following Effect:

"The Defendant, by his Attorney [*or* "in Person," *&c.*] [*if pleaded to Part, say,* "as to Pounds, "Parcel of the Money claimed," *or* "as to so much of the Claim "as relates to," *&c.*] "brings into Court Pounds, and "says, that this Sum is enough to satisfy the Claim of the Plaintiff"

[*or, if pleaded to Part, add,* " in respect of the Matter herein " pleaded to."]

Plea of Payment may be pleaded with other Pleas.

XXVII. The Plea of Payment into Court may be pleaded either alone or with any other Plea.

How Money is to be paid in and out of Court.

XXVIII. Money paid into Court shall be paid to the proper Officer of the Court, who shall give a Receipt for it on the Margin of the Plea, and it shall thenceforth be the Property of the Plaintiff, and shall be paid out to the written Order of him or his Attorney, on Demand, whatever may be the Event of the Suit.

How Plaintiff may reply to Plea of Payment into Court.

XXIX. To a Plea of Payment into Court the Plaintiff may either reply that he accepts the Money, and in that Case his Claim in respect of the Matter to which the Plea is pleaded shall be deemed satisfied, and he may then tax his Costs, and if they be not paid within *Forty-eight* Hours after Taxation sign Judgment for them, or he may reply that the Money is not enough to satisfy his Claim in respect of the Matter to which the Plea is pleaded; but if the Issue to this Replication be found against him, the Request shall be entitled to Judgment and Costs.

Last Six Sections applicable only to Actions in Superior Courts of Common Law.

XXX. The last Six preceding Sections shall apply only to Actions brought in One of the Superior Courts of Common Law in England or Ireland.

Payment into Court no Admission of Cause of Action.

XXXI. The Payment of Money into Court by any Defendant, whether generally or partially, or on some special Count, shall not be deemed an Admission by him that any Cause of Action existed against him, or that he was legally bound to have paid anything.

Limitation of Actions against retiring Partners.

XXXII. No Person shall be liable to pay any simple Contract Debt incurred by a Partnership after he shall have ceased to be a Member thereof, if he can prove that his Partnership was dissolved more than *Six* Years before the Commencement of the Action or Suit for the Recovery of such Debt.

Partner not barred as to Statute of Limitations by oral Acknowledgment of part Payment made by his Copartner.

XXXIII. No Partner or Joint Contractor, or the Executor or Administrator of any Partner or Joint Contractor, shall lose the Benefit of any Statute of Limitations by reason of any oral Acknowledgment by his Copartner or Co-Contractor, either of Payment of the Interest or of part Payment of the Principal of any Debt incurred by the Partnership or by the Joint Contractors.

XXXIV. All

Rule for Interpretation of Statutes.

XXXIV. All Statutes of every Description, whether declaratory, remedial, enabling, enlarging, restraining, or penal, shall be reasonably construed, and so as most effectually to suppress the Mischief aimed at, and to advance the Remedy intended to be supplied.

Documents not vitiated by unauthorized Alterations.

XXXV. No written Instrument shall be rendered void by any Obliteration, Cancellation, Spoliation, or other Alteration, except so far as the Words or Effect of the Instrument before such Alteration shall not be apparent, if the Party relying upon the Instrument can prove that such Alteration was the Effect of Accident or Mistake, or was wrongfully made, without his Privity or Consent, by some Person over whom he could exercise no Control.

Parol Evidence admissible for Plaintiff to certify Agreement of which he seeks specific Execution.

XXXVI. Parol Evidence shall be admissible in Courts of Equity on behalf of a Plaintiff, for the Purpose of rectifying a written Agreement of which he seeks a specific Execution.

Consideration for Promise by Executor, or for Guarantee, need not be expressed in Writing.

XXXVII. A special Promise made either by an Executor or an Administrator to answer Damages out of his own Estate, or by any Person to answer for the Debt, Default, or Miscarriage of another, if reduced to Writing and signed by the Party to be charged therewith, or some other Person thereunto by him lawfully authorized, shall be binding in Law, though the Consideration of the Promise be not set forth in the Writing, provided that such Consideration can be otherwise proved.

Documents may be signed by Agents, and Agents may be orally authorized to sign.

XXXVIII. Every Document the Validity of which depends upon its being signed by some particular Person may be signed either by such Person or by his authorized Agent, and the Authority by the Principal to the Agent to sign any Document in the Name or on behalf of the Principal may in all Cases be granted orally as well as by Writing.

Acts of Agent when binding after Death of Principal.

XXXIX. The Acts of an Agent done after the Death of his Principal shall, if done bonâ fide and in Ignorance of such Death, be deemed as valid in Law and be as binding on the Heirs and personal Representatives of the Principal as if they had been done during the Life of the Principal.

Acts of Deputy when valid after Death of Person whose Duties he discharged.

XL. The Acts of a Deputy done after the Death of the Person whose Duties he has been appointed to discharge shall, if done in Ignorance of such Death, be deemed as valid in Law as if they had been done during the Life of such Person.

Under Sheriff presumed to be

XLI. Every Deed purporting to be executed by a Sheriff in Discharge of his official Duty shall, primâ facie, be admissible in

authorized to execute Deeds for Sheriff.

Evidence, on Proof that it was executed in the Name of the Sheriff by some Person acting as his Under Sheriff.

All Courts of Record may order Inspection.

XLII. Every Court of Record may, on the Application of any Party to any Action, Suit, or Proceeding, whether civil or criminal, therein pending, order, on such Terms as to Costs or otherwise as it shall think fit, the Inspection by such Party or his Witnesses, or by the Jury, of any Real or Personal Property, the Inspection of which may be material to the proper Determination of the Question in dispute; and in all the Trials by Jury the Judge or other presiding Officer may order such Inspection as aforesaid by the Jury, even after the Evidence on one or both Sides has been closed, if in his Opinion such a Course be necessary for the Attainment of Justice.

Wives no longer presumed to act under the Coercion of their Husbands.

XLIII. The Rule of Law which presumes that a Wife who commits Offences in the Presence of her Husband acts under his Coercion is hereby repealed and annulled.

Act to extend to England and Ireland, not to Scotland, Sect. 7.

XLIV. This Act shall extend to England and Ireland, but shall not extend to Scotland, except so far as relates to Section Seven.

Commencement of Act.

XLV. This Act shall come into operation on the
Day of *One thousand eight hundred and fifty-six.*

Short Title of Act.

XLVI. In citing this Act in any Instrument, Document, Act of Parliament, or Proceeding, it shall be sufficient to use the Expression, "The Law of Evidence and Procedure Amendment Act, 1856."

SCHE-

SCHEDULE.

FORM OF DEPOSITIONS OF WITNESSES.

[*Surrey*], to wit.—*R.* v. *A.B.* charged with [Burglary *or* Larceny *or* Arson, *&c.*]

The Depositions of *C.D.* of [*Farmer*,] and *E.F.* of [*Labourer*], taken in the above Case. The Deponent *C.D.* on his [*Oath*] says [*state as nearly as set forth the Words used by Deponent*]. [*If the Deponent be asked any Questions by or on behalf of the Accused, add*] and, on being cross-examined, he further says [*state as nearly as possible the Words used by Deponent*]. [*When his Deposition is complete, read it over to him, and tender it to him for Signature; if he declines to sign it, state that Fact, and the Reason why, if any given.*] And the Deponent *E.F.*, on his [*Affirmation*], says [*proceed as in the last Case*].

The above Depositions of *C.D.* and *E.F.* were taken and [*sworn*] before me at in the [*County*] of on the Day of 18 and in the Presence of *A.B.*, who had full Opportunity to cross-examine the Deponents. They were also read over respectively to the Deponents, and were tendered to them for their Signatures. As witness my Hand.

Justice of the Peace for the said [*County*].

Procedure and Evidence.

A

BILL

For further amending the Law touching Evidence and Procedure.

(Prepared and brought in by Sir FitzRoy Kelly, Lord Stanley, and Mr. George Butt.)

Ordered, by The House of Commons, *to be Printed,* 25 *April* 1856.

[Bill 111.]

A

BILL

INTITULED

An Act for amending the Procedure before Magistrates and Justices of Peace in Scotland.

WHEREAS an Act was passed in the Ninth Year of the Reign of King George the Fourth, Chapter Twenty-nine, intituled "An Act to authorize additional Circuit Courts "of Justiciary to be held, and to facilitate Criminal Trials in Scotland;" and another Act was passed in the Eleventh Year of the Reign of His said Majesty and the First Year of the Reign of King William the Fourth, Chapter Thirty-seven, intituled "An Act to "amend an Act of the Ninth Year of His late Majesty King George "the Fourth, to facilitate Criminal Trials in Scotland, and to abridge "the Period now required between the pronouncing of Sentence and "Execution thereof in Cases importing a Capital Punishment:" And whereas it is expedient to facilitate the Procedure in Prosecutions for Offences before the Magistrates of Royal Burghs and before Her Majesty's Justices of the Peace in Scotland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 9 G. 4. c. 29. 11 G. 4. & 1 W. 4. c. 37.

Pleadings, &c. need not be reduced to Writing in certain Cases.

I. Where the Prosecutor shall in his Libel conclude for a Fine not exceeding Five Pounds, exclusive of the Costs of the Prosecution, which the said Magistrates and Justices are hereby empowered to give, or for Imprisonment not exceeding Thirty Days, accompanied, when necessary, with Caution for good Behaviour or to keep the Peace for a Period not exceeding Three Months, and under a Penalty not exceeding Ten Pounds, it shall be lawful to try such Offences without the Pleadings or Evidence being reduced into Writing: Provided always, that a Record shall be preserved of the Charge and of the Judgment, including the Names of the Witnesses examined on Oath, unless where the accused pleads Guilty, which shall be made to appear on such Record.

Forms of Procedure, &c. in such Cases.

II. The Forms of Procedure and Regulations applicable to such Trials shall be those which are established by the said recited Acts in regard to the summary Trial of Offences before the Sheriffs of Counties, and the Note of the Evidence to be taken on such Trials shall be made by the Clerk of Court, and shall be initialed at the End of each Witness's Evidence by the presiding Magistrate or Justice.

14 & 15 Vict. c. 27. as to Whipping, &c., and 17 & 18 Vict. c. 86., to apply to this Act.

III. The Provisions of the Act Fourteen and Fifteen Victoria, Chapter Twenty-seven, in regard to the Whipping of Juvenile Offenders, and in regard to Sentences to Hard Labour, and the Provisions of the Act Seventeen and Eighteen Victoria, Chapter Eighty-six, shall extend and apply to Sentences pronounced under this Act.

Procedure before Justices (Scotland).

A

BILL

INTITULED

An Act for amending the Procedure before Magistrates and Justices of Peace in Scotland.

(*Brought from the Lords* 27 *May* 1856.)

Ordered, by The House of Commons, *to be Printed*, 4 *June* 1856.

[Bill 162.]

Under 1 *oz.*

A

BILL

TO

Repeal the Eighth Section of the Fifty-third George the Third, Chapter One hundred and twenty-seven, whereby Proctors in Ecclesiastical Courts in England allowing their Names to be used by Persons not entitled to act as Proctors, or allowing such Persons to participate in any Profit and Benefit, shall be struck off the Roll.

WHEREAS in and by the Eighth Section of an Act passed in the Fifty-third Year of the Reign of His late Majesty King George the Third, Chapter One hundred and twenty-seven, intituled "An Act for the better Regulation of "Ecclesiastical Courts in England, and for the more easy Recovery "of Church Rates and Tithes," it is enacted as follows: "That "from and after the passing of this Act, if any Proctor of the Arches "Court of Canterbury, or any other Ecclesiastical Court or Courts "in which he shall be entitled to act as Proctor, shall act as such, or "permit or suffer his Name to be in any Manner used in any Suit "the Prosecution or Defence whereof shall appertain to the Office of "a Proctor, or in obtaining Probates of Wills, Letters of Adminis-

 "tration,

" tration, or Marriage Licences, to or for or on account or for the " Profit and Benefit of any Person or Persons not entitled to act " as a Proctor, or shall permit or suffer any such Person or " Persons to demand or participate in such Profit and Benefit, " and Complaint thereof shall be made to the Court or Courts " wherein such Proctor hath been admitted and enrolled, and Proof " given to the Satisfaction of the said Court or Courts that such " Proctor hath offended therein as aforesaid, then and in such Case " every such Proctor so offending shall be struck off the Roll of " Proctors, and be for ever after disabled from practising as a Proctor, " or be suspended from the Office, Function, and Practice of a " Proctor in all and every the said Court or Courts for so long a " Period as the Judge or Judges of the said Court or Courts may " deem fit; save and except as to any Allowance or Allowances, Sum " or Sums of Money, that are or shall be agreed to be made to the " Widows or Children of any deceased Proctor or Proctors by any " surviving Partner or Partners of such deceased Proctor or Proctors; " and also save and except as to any Agreement made or understood " to be made between Proctors and Articled Clerks whose Articles " have been executed prior to the passing of this Act:" And whereas it is expedient that the said Clause should be repealed:

Repeal of Sect. 8. of 53 G. 3. c. 127.

Now be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Clause be repealed, and the same is hereby repealed accordingly.

Proctors in Ecclesiastical Courts.

A

B I L L

To repeal the Eighth Section of the Fifty-third George the Third, Chapter One hundred and twenty-seven, whereby Proctors in Ecclesiastical Courts in England allowing their Names to be used by Persons not entitled to act as Proctors, or allowing such Persons to participate in any Profit and Benefit, shall be struck off the Roll.

(*Prepared and brought in by Mr. Hadfield and Mr. Robert J. Phillimore.*)

Ordered, by The House of Commons, *to be Printed*, 21 *July* 1856.

[Bill 260.]

Under 1 *oz.*

Public Health Act Amendment Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Section
1. Preamble. Act to be construed with Public Health Act, 1848.
2. Definition of the Word "Land."
3. Construction of incorporated Acts.
4. Act not to be applied to the Metropolis.
5. District Parish to be deemed a Place with a known and defined Boundary.

Provisions as to General Board of Health.

6. Repeal of Proviso in 17 & 18 Vict. c. 95. s. 2.
7. General Board may inspect Districts.
8. General Board to Report to Houses of Parliament.

Adoption of Public Health Acts by Council of Borough.

9. Council of Borough may adopt the Public Health Act, subject to Local Acts.
10. General Board may make Provisional Order for Consolidation, Repeal, &c. of Local Acts.
11. Notice must be given of Meeting of Council.
12. Notice of Resolution adopting Act.
13. Rules as to Objections.
14. Evidence of Adoption.

Constitution of Local Boards of Health.

15. General Board may set out Wards for Election of Local Boards.
16. Supply of casual Vacancies.
17. Trustees or Feoffees for public or charitable Purposes, &c. to vote as One Owner under Public Health Act.
18. Disqualifications of Members of Local Boards on account of Absence.
19. Definition of "Contract" on the 19th Section of the Public Health Act, 1848.
20. First Meeting of Local Board.
21. Appointment of Persons to conduct First Election of Local Board.

Powers of Local Boards of Health.

Section
22. Powers given by Public Health Act, 1848, as to Sewers, extended to Pipes for Sewage.
23. Powers of Local Board as to Reservoirs, &c.
24. Rules with respect to scavenging.
25. Powers of Local Board with respect to scavenging.
26. Penalty on unauthorized scavenging.
27. Power of Local Board to make Byelaws as to scavenging.
28. Local Board may make Byelaws as to Nuisances.
29. Amendment of Section 59. of 11 & 12 Vict. c. 63. as to Removal of Accumulations.
30. Repeal of 11 & 12 Vict. c. 63. s. 53., and new Enactment as to building and rebuilding.
31. Inspection by Surveyor during Progress of Works.
32. Person aggrieved may appeal to General Board.
33. Penalty on acting without Approval of Local Board.
34. Amendment of Section 54. of 11 & 12 Vict. c. 63.
35. Expenses of repairing Highways.
36. Certain Acts not required in case of Highway Rate made by Local Board.
37. Application of Surplus under 11 & 12 Vict. c. 63. s. 117.
38. Duties of Clerk of Local Board as to Account of Expenditure on Highways.
39. Repeal of Sections 69. and 70. of 11 & 12 Vict. c. 63., and Provisions as to Streets not being Highways.
40. Penalty on displacing Stones, &c.
41. Local Board may adopt Baths and Washhouses Act.
42. Incorporation of Provisions of Towns Police Clauses Act, 1847.
43. Incorporation of Provisions of Towns Improvement Clauses Act, 1847
44. Supply of Water compulsory where it can be furnished at 3*d.* a Week.
45. Regulations as to Lighting.
46. Power of Local Board to establish Markets and Fairs.
47. Incorporation of Markets and Fairs Clauses Act, 1847.
48. Regulations as to Purchase of Land.
49. Publication of Notices.
50. Service of Notices.
51. Local Board to petition General Board.
52. General Board may direct Inquiry.
53. Inspector to give Notice of Inquiry.
54. General Board may make Provisional Order.
55. General Board to obtain Confirmation of Provisional Order by Act of Parliament.

Miscellaneous.

Section
56. Repeal of Section 86. of Public Health Act. Special District Rates.
57. As to Exemption from Rating under Local Acts.
58. Provision with regard to existing Mortgages.
59. Power of Local Board to order new Assessment.
60. Offer of Composition under 11 & 12 Vict. c. 63. s. 95. not necessary to rating of Occupier.
61. Publication of Private Improvement Rates not required.
62. Repeal of Portion of 11 & 12 Vict. c. 63. s. 107.
63. What Rates may be mortgaged to raise Money for First Outlay on Private Improvement Expenses.
64. Costs of levying Arrears of Rates.
65. Explanation of Section 113. of 11 & 12 Vict. c. 63.
66. Power of Local Board as to Turnpike Roads.
67. Section 126. of 5 & 6 Will. 4. c. 76. not to apply to Public Health Acts.
68. Appellants under Public Health Acts to enter into Recognizances.
69. Notices by Local Board, how signed.
70. Notices to be binding on Assigns.
71. Penalty on Injury to Works, &c. of Local Board.
72. Repeal of Section 145. of Public Health Act.

Saving Clauses.

73. Saving Clause for Proprietors of Lands, &c.
74. Certain Works to be referred to Arbitration.
75. Effect of Arbitration.
76. Power of Corporations, &c. to alter Sewers.
77. Saving Clause for Millowners.
78. Arbitration of Questions arising under preceding Sections.
79. Saving Clause as to Metropolitan Roads.

Schedules.

A

B I L L

TO

Amend the Public Health Act, 1848.

Preamble.

WHEREAS it is expedient that the Public Health Act, 1848, should be amended, and that the Powers of Local Boards acting in execution of that Act should be increased: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Act to be construed with Public Health Act, 1848.

I. This Act shall be construed together with and shall be deemed to form Part of the Public Health Act 1848, herein-after called the Public Health Act.

Definition of "Land."

II. The Term "Land" in the Public Health Act shall include Rivers, Wells, and Waters of every Description, also Easements of every Description in respect of Land.

Construction of incorporated Acts.

III. In the Construction of the Acts herein-after incorporated the Expression "the Special Act" shall mean the Public Health Act as brought into operation within the District; the "Limits of the Special Act" shall mean the "Limits of the District;" "the passing of the Special Act" shall mean "the Date of the Application

or Adoption of the Public Health Acts;" and the Local Board shall, according to the Tenor of the incorporated Act, be deemed to be the Promoters of the Undertaking, "Town Commissioners," Commissioners, or "Undertakers."

Public Health Act not to be applied to the Metropolis.

IV. So much of the First Section of the Public Health Act as provides that such Act is not to be applied to certain Parts therein mentioned shall be repealed; and in lieu thereof be it enacted, That the Public Health Act may be applied to any Part of England and Wales, with the Exception of the Metropolis, as defined by an Act passed in the Nineteenth Year of the Reign of Her present Majesty, Chapter One hundred and twenty, intituled "An Act for the better Local "Management of the Metropolis."

District Parish to be deemed a Place with a known defined Boundary.

V. Any District Parish that is or may hereafter be constituted for Ecclesiastical Purposes shall be deemed to be a Place having a known and defined Boundary within the Meaning of the Public Health Act.

Provisions as to General Board of Health.

Repeal of Proviso limiting the Duration of the General Board of Health in 17 & 18 Vict. c. 95.

VI. So much of the First Section of an Act passed in the Nineteenth Year of the Reign of Her present Majesty, Chapter One hundred and fifteen, as provides that the General Board of Health, herein-after called the General Board, shall be continued only for One Year next after the Day of the passing of such last-mentioned Act, and thenceforth until the End of the then next Session of Parliament, and no longer, shall be repealed.

General Board may inspect Districts.

VII. The General Board may from Time to Time direct a Superintending Inspector to visit any District, for the Purpose of making Inquiry as to the Execution of the Public Health Act, and as soon as possible after the Completion of such Inquiry he shall report the Result in Writing to the General Board.

General Board to report to Parliament.

VIII. The General Board shall report to both Houses of Parliament the Result of all Inquiries made by their Direction into the Execution of this Act.

Adoption of Public Health Act by Council of Borough.

Council of a Borough may adopt the Public Health Act.

IX. The Council of any Borough may by such Resolution as is herein-after mentioned adopt the Public Health Act; and upon such Adoption being made the Public Health Act shall have the same Force within such Borough as if it had been applied thereto by Provisional Order sanctioned by Act of Parliament: Provided always,

Public Health Act to be adopted

that where the Provisions of any Local Act in force in any Borough relating

relating to the Purposes of the Public Health Act are repugnant to or inconsistent with the Provisions of that Act, then such Provisions of the Public Health Act shall be excluded from Adoption in such Borough, and the Provisions of the Local Act shall continue in force until altered by Provisional Order as provided in the following Section. subject to Local Acts.

X. In any Borough in which the Public Health Act has been so adopted, and in which there is in force any Local Act relating to the Purposes of the Public Health Act, the Council may by Resolution call upon the General Board by a Provisional Order to consolidate, extend, and provide for the future Execution of such Local Acts, and vary or repeal any Enactment therein contained, so far as may be necessary for reconciling the same with the Public Health Act, with Power to grant Compensation to any Person aggrieved by such Consolidation, Alteration, or Repeal; and on Receipt of such Resolution the General Board may, after such Inquiry as they find necessary, prepare such Order, and submit the same for Confirmation to Parliament in any confirming Bill, but no such Order shall have any Force or Effect till so confirmed by Parliament. General Board may make Provisional Order for Consolidation, Repeal, &c. of Local Acts.

XI. No Resolution for the Adoption of the Public Health Act, passed by the Council of any Corporate Borough at any Meeting shall be valid unless a Month's previous Notice of such Meeting has been given in manner in which Notices of Meetings of such Council are usually given. Notice must be given of Meeting of Council.

XII. Whenever a Resolution adopting the Public Health Act has been passed by the Council of any Corporate Borough, Notice thereof shall be given to the General Board by the Mayor of such Borough: It shall also be the Duty of such Mayor to publish a Copy of such Notice in manner following; that is to say, Notice of Resolution adopting Act.

By Advertisement in the London Gazette, and in some One or more of the Newspapers published in the County in which such Borough is situate:

By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel in such Borough to which Notices are usually affixed.

XIII. No Objection shall be made at any Trial or in any legal Proceeding to the Validity of the Adoption of the Public Health Act, by the Council of any Corporate Borough, unless the Objector has given *Fourteen* Days previous Notice to the other Parties interested in such Trial or Proceeding of his Intention to make the same, specifying fully the Nature of the Objection to be made; and no Objec- Rules as to Objections.

tion whatever in respect of the Matters mentioned in this Section shall be admissible at any Trial or in any legal Proceeding after the Expiration of *Three* Calendar Months from the Date of the passing by the Council of the Resolution adopting such Act.

Evidence of Adoption.

XIV. The Adoption of the Public Health Act by the Council of any Corporate Borough may be proved at any Trial or in any legal Proceeding, by a printed Paper purporting to be the London Gazette, and containing a Notice to the effect that a Resolution adopting such Act has been passed by the Council of such Borough.

Constitution of Local Boards of Health.

General Board may set out Wards for Election of Local Boards.

XV. It shall be lawful for the said General Board in any Order in Council or Provisional Order under the Public Health Act, affecting any Non-corporate District, to set out Wards for the Election of Members of a Local Board, and to fix the Number of Members of such Board to be elected in respect of such Wards respectively.

Supply of casual Vacancies.

XVI. Whenever any casual Vacancy occurs in any Local Board of Health, herein-after called the Local Board, by the Death, Resignation, Disqualification, or otherwise of any elected Member thereof, such Vacancy shall, within *One Month* from the Date of such Occurrence, be filled up by any qualified Person elected by the Body who elected the Member so vacating, but the Member elected to fill such Vacancy shall retain his Place so long only as the vacating Member would have retained the same if no Vacancy had occurred.

Trustees or Feoffees for public or charitable Purposes, &c. to vote as One Owner under Public Health Act.

XVII. Any Body of Trustees or Feoffees for public or charitable Purposes, or any similar Body, shall be deemed to be One Owner for the Purpose of voting under the Public Health Act, 1848, and any Act amending the same, and shall vote by Proxy appointed in Writing under the Hands of Three of such Body; and no Member of such Body shall be entitled to vote individually as Owner in respect of any of the Property of such Body.

Disqualification of Members of Local Boards on account of Absence.

XVIII. So much of the Eighteenth Section of the Public Health Act as relates to the Disqualification by Absence of any Person elected or selected from all Meetings and Committees of the Local Board of Health shall be repealed; and in lieu thereof be it enacted, that if any selected or elected Member of the Local Board absents himself during *Three* successive Months from all Meetings of the Board, except from Illness, or other Cause to be approved by the Board, such Person shall cease to be a Member of the Local Board.

XIX. The

Definition of "Contract" in the 19th Section of the Public Health Act, 1848.

XIX. The Word "Contract" as used in the Nineteenth Section of the Public Health Act shall not extend to any Lease, Sale, or Purchase of any Lands or Hereditaments, or to any Agreement for such Lease, Sale, or Purchase, or to the Loan of Money, or to any Security for the Payment of Money only.

First Meeting of Local Board.

XX. The First Meeting of the Local Board of any non-corporate District shall, if there are no elected Members on such Board, be held at such Time, not exceeding *Fourteen* Days from the Date of the Selection of the Select Members thereof, as the Mayors for the Time forming Part of such Board may, by Notice to be left at the Residence of every Member, or forwarded by Post to his usual Address, determine; but if such Board consists either wholly or in part of elected Members, then the same shall be held at such Time, not exceeding *Fourteen* Days from the Date of the Election of such last-mentioned Members, and at such Place, as the Person conducting the First Election may appoint, by Notice to be so left or forwarded as aforesaid; and if no such Time and Place be appointed by such Mayors or Person as aforesaid, within such Period of *Fourteen* Days, any Member of the Board may thereafter convene a Meeting by a like Notice.

Appointment of Persons to conduct First Election of Local Board.

XXI. Whenever the Persons appointed by the General Board to conduct the First Election of any Local Board are from any Cause whatever unable or unwilling to conduct the same, such General Board may from Time to Time, by Order under their Seal, appoint any other Person or Persons to act in their Stead, and upon such Appointment being made Notice thereof shall be published in some One or more of the Newspapers circulating in the District in respect of which such Appointment is made, and shall be affixed to the Doors of all Churches, Chapels, and other Public Buildings within the District on which Notices are usually affixed; but no Omission to publish or affix such Notice shall invalidate any Appointment made in pursuance of this Section, or any Act of the Appointee.

Powers of Local Boards.

Powers given by Public Health Act, 1848, as to Sewers, extended to Pipes for Water or Sewage.

XXII. The Powers given by the Public Health Act to Local Boards of Health with respect to the carrying Sewers through, across, or under any Lands shall extend to Drains or Pipes for the Distribution of Water or Sewage.

Powers of Local Board as to Reservoirs, &c.

XXIII. Every Local Board of Health shall have Power, upon making due Compensation, to do the following Things, either within or without their District; that is to say,

(1.) To construct, either above or under Ground, such Reservoirs and other Works as may be necessary for holding the Sewage flowing from the Sewers of their District, or to provide Outfalls for the same:

(2.) To cause the Drains or Sewers of their District to empty into such Reservoirs or Outfalls by means of connecting Sewers or such other Means as they think fit:

(3.) To contract with any Company or Person for the Sale of such Sewage, or for the Distribution of it over any Land; and any Company or Person with whom the Local Board may so contract shall have the same Powers with respect to carrying Drains or Pipes for the Distribution of Sewage as the Local Board themselves have:

(4.) To contract for, purchase, or take on Lease any Buildings, Engines, Materials, or Apparatus for the Purpose of receiving, storing, disinfecting, or distributing any such Sewage:

(5.) To purchase or take on Lease any Land where such Purchase or leasing is necessary for carrying into execution the above Objects.

Rules with respect to Scavenging.

XXIV. The Fifty-fifth and Fifty-sixth Sections of the Public Health Act shall be repealed, and in lieu thereof be it enacted, That in every District the following Works shall be done with respect to Scavenging: (that is to say,)

(1.) All Streets, together with the Foot Pavements, if any, thereof, shall be properly cleansed, and any Snow removed therefrom; and the whole or any Part of such Streets may, in the Discretion of the Local Board, be watered:

(2.) All Snow, Filth, and Refuse found in any Street shall be collected and removed:

(3.) All Dust, Ashes, Filth, and Rubbish shall be carried away from the Premises of the Inhabitants:

(4.) All Privies and Cesspools shall be from Time to Time emptied and cleansed:

And the Local Board may themselves undertake or contract with any Person to undertake the aforesaid Works or any of them; and in any Contract made by them the Local Board may require that all animal and vegetable Refuse and decomposing Matter be at once separated from the Ashes deposited in the Scavenger's Yards or Dust Yards, and be removed from the Premises of the Contractor.

Powers of Local Board in respect of Scavenging.

XXV. In the event of the Local Board themselves undertaking or contracting with any other Person to undertake the Works hereby required in relation to Scavenging, or any of them throughout the District, or any Part thereof, all Sewage, Soil, Dung, Filth, Ashes, Dust, and Rubbish collected in the Execution of such Works by the Local

Local Board or by any Person authorized by them may be sold or otherwise disposed of in such Manner as the Local Board directs, and any Profits made by the Local Board in pursuance of this Section shall be carried to the District Fund Account.

Penalty on unauthorized Scavenging.

XXVI. In such Event as last aforesaid, if any Person, not being the Occupier of an House within the District, removes, or obstructs the Local Board or any Person authorized by them in removing, any Snow, Sewage, Soil, Dung, Filth, Ashes, Dust, or Rubbish hereby authorized to be removed by the Local Board, he shall for each Offence incur a Penalty not exceeding *Five Pounds;* and if any Person, being the Occupier of an House within the District, removes, or obstructs the Local Board or any Person authorized by them in removing, any such Substances as aforesaid, (except in Cases where such Substances are produced on his own Premises, and are removed for his own Use for Manure at such Times and in such Manner as may be approved by the Local Board, and are in the meantime kept in such a Manner as not to be a Nuisance to his Neighbours,) he shall for each Offence incur a Penalty not exceeding *Five Pounds.*

Power of Local Board to make Byelaws as to Scavenging.

XXVII. In Cases where the Local Board do not themselves undertake or contract with any Person to undertake to do the following Works, or any of them, that is to say:

(1.) To cleanse the Footways and Pavements adjoining any Premises:

(2.) To carry away the Snow, Dust, Ashes, Filth, and Rubbish from any Premises:

(3.) To empty the Privies and Cesspools belonging to or used in connexion with any Premises:

They may make Byelaws imposing on the Occupier of any such Premises all or any of the Duties of cleansing any such Footways and Pavements, of carrying away such Snow, Dust, Ashes, and Rubbish, and of emptying any such Privies and Cesspools as are mentioned in this Section, at such Times and in such Manner as they may approve of, and they may annex reasonable Penalties for the Breach of such Byelaws. The Power of making Byelaws given by this Section may be exercised by the Local Board as to Part of a District, notwithstanding that such Board themselves undertake or contract with some other Person to undertake in other Parts of the District the Works mentioned in this Section, or any of them, and notwithstanding that the Local Board themselves undertake or contract with some other Person to undertake a Portion of such Works throughout the whole District.

Local Board may make Byelaws as to Nuisances.

XXVIII. The Local Board may make Byelaws for the Prevention of Nuisances arising from Snow, Filth, Dust, Ashes, and Rubbish within their District, or from the keeping of Animals, and may annex reasonable Penalties for the Breach of such Byelaws.

Amendment of Sect. 59. of 11 & 12 Vict. c. 63. as to Removal of Accumulations.

XXIX. Whenever any Accumulation of Manure, Dung, Soil, Filth, or other offensive or noxious Substances has been removed by the Local Board, in pursuance of the Fifty-ninth Section of the Public Health Act, the Expenses of such Removal, so far as the same are not covered by the Monies realized by such Sale or Disposition of the said Manure, Dung, Soil, Filth, or other offensive or noxious Substance as in the said Section mentioned, shall be recoverable by them in a summary Manner from the Owner or Occupier of the Premises in which such Accumulation existed, or from the Person causing such Accumulation, or such Expenses may, by Order of the Board, be declared to be Private Improvement Expenses.

Repeal of 11 & 12 Vict. c. 63. s. 53., and new Enactment as to building and rebuilding.

XXX. The Fifty-third Section of the Public Health Act shall be hereby repealed; and in lieu thereof be it enacted as follows: That Fourteen Days at the least before beginning to dig the Foundations of any new House, or to convert any Building into a House, or to rebuild any House pulled down to or below the Ground Floor, the Person intending so to build, convert into a House, or rebuild shall give to the Local Board a Plan and Sections of the House so intended to be made or rebuilt, and also a Statement in the Form marked (A.) in the Schedule hereto, or in such other Form as may from Time to Time be directed by the General Board of Health, comprising the following Particulars, or such of them as may be necessary for the Work proposed to be done:

1. The Thickness and Materials of the Walls:
2. The Heights and Dimensions of the Rooms, including the Level of the Cellars or lowest Floors:
3. The Means of Ventilation:
4. The Situation of any Waterclosets, or, where Waterclosets cannot be brought into Use, of any Privies or Cesspools intended to be made or used in connexion with such House:
5. The Provisions for Drainage, Supply of Water, and Deposit of dry Refuse:
6. The Dimensions of the Space intended to be left open in connexion with the House:

And it shall be lawful for such Local Board, within *Fourteen* Days from the Receipt of such Statement, to notify to the Person so about to build, convert into a House, or rebuild, their Approval or Disapproval of such Plan and Particulars, either with or without Modification;

Modification; but if no Notification is made within such Period of *Fourteen* Days, the Local Board shall be presumed to have given its Approval.

Inspection by Surveyor during Progress of Works.

XXXI. During the Progress of any such Building, Conversion, or Rebuilding as is mentioned in the foregoing Section, and at such Stages of the Work as are specified in the Table marked (B.) in the Schedule hereto, the Surveyor of the Local Board shall have Power to enter upon and inspect the Work done, for the Purpose of ascertaining that the same is done in conformity with the Plan and Particulars approved by such Board, and with a view to such Inspection it shall be incumbent on every Person executing any such Work as aforesaid to give to such Surveyor not less than *Two* Days Notice in Writing of the Time when the Work will be ready for Inspection at the several Stages aforesaid.

Person aggrieved may appeal to General Board.

XXXII. If any Person feels aggrieved with the Decision of any Local Board in reference to any such Building, Conversion, or Rebuilding as aforesaid, or any Matter incidental thereto, he may appeal therefrom to the General Board of Health; and such General Board may, in their Discretion, affirm or reverse the Decision of such Local Board, and either with or without Modification.

Penalty on acting without Approval of Local Board.

XXXIII. If any Person so intending as aforesaid to build, convert into a House, or rebuild, commits any of the following Offences; that is to say,

1. Fails to give the Notice herein-before required to be given before beginning to dig the Foundations, make such Conversion, or rebuild in manner aforesaid; or,
2. Fails to give any Notice herein-before required to be given as to the Progress of the Works; or,
3. Acts in contravention of the Decision of the Local Board in building or rebuilding any House, or converting into a House any other Building, or in making or continuing any Drain, Watercloset, Privy, Cesspool, or Deposit of any Refuse,

He shall for each such Offence incur a Penalty not exceeding *Fifty Pounds*; and the said Local Board may, if they think fit, cause any such House, Drain, Watercloset, Privy, Cesspool, or Deposit of any Refuse to be pulled down, removed, altered, or otherwise dealt with, as the Case may require; and the Expenses so incurred shall be repaid by the Offender, and be recovered from him in a summary Manner, or may be declared by the Local Board to be Private Improvement Expenses, and be recovered accordingly.

Amendment of Sect. 54. of 11 & 12 Vict. c. 63.

XXXIV. Whenever the Surveyor, in the course of any Examination made by him in pursuance of the Fifty-fourth Section of the Public Health Act, finds any such Drain, Watercloset, Privy, Cesspool, or Ashpit, as therein mentioned, to be in bad Order and Condition, or to require Alteration, it shall not be necessary for him to cause the Ground to be closed before calling on the Owner or Occupier to do the necessary Works.

Expenses of repairing Highways.

XXXV. And whereas Doubts have arisen as to the Mode in which in Districts under the Public Health Act the Expenses of paving and repairing Streets should be borne, and it is expedient to remove such Doubts: Be it enacted, That the Expenses of paving and repairing the Streets within any District shall be borne as follows; that is to say,

In Cases where, before the Application or Adoption of the Public Health Act, the Streets were paved and repaired out of Rates levied under any Local Act, the paving and repairing of existing and future Streets shall be defrayed out of the General District Rates leviable under the Public Health Act:

In Cases where, before the Application or Adoption of the Public Health Act, the Streets were paved and repaired out of a Highway Rate, or partly out of a Highway Rate and partly out of Rates levied under any Local Act, the paving and repairing of existing and future Streets shall henceforth be defrayed either out of a Highway Rate made, assessed, and levied by the Local Board within their whole District upon the same Property and in the same Manner upon and in which the Surveyor of Highways might have made, assessed, and levied the same previously to the Application or Adoption of the Public Health Act, or, if the Local Board think fit, out of the General District Rates leviable under the Public Health Act:

Provided that all Rates for the Repair of Highways which have been made and not collected before the passing of this Act shall be deemed good, whether the same have been made as General District Rates or as Highway Rates.

Certain Acts not required in case of Highway Rate made by Local Board.

XXXVI. Provided, That it shall not be necessary for any Local Board, in the Case of any Highway Rate made by them, to do the following Acts or any of them; that is to say,

To lay such Rate before any Justices, or obtain their Allowance:

To annex thereto the Signature of such Local Board:

To lay the same before the Parishioners assembled in Vestry:

To verify before any Justices any Accounts kept by them of such Highway Rates:

And all such Accounts shall be audited in all respects in the same Way as the other Accounts of the Local Board under the Public Health

Health Act, and all ministerial Acts required by any Act of Parliament to be done by the Surveyor of Highways may be done by the Surveyor of the Local Board, or by such other Person as they may appoint.

Application of Surplus, under 11 & 12 Vict. c. 63. s. 117.

XXXVII. The Surplus of any Monies directed by the One hundred and seventeenth Section of the Public Health Act to be paid by Surveyors of Highways to the Treasurer of the Local Board, and to be carried to the District Fund Account, shall, in every District where the Roads are repaired out of Highway Rate, after the *passing of this Act* be carried by the same Treasurer to a separate Account to be kept by him, and called the Highway Rate Account.

Duties of Clerk of Local Board as to Accounts of Expenditure on Highways.

XXXVIII. The Clerk of every Local Board shall, within *Thirty* Days after the Audit of the Accounts of such Board, prepare and make out such Statement in Writing in respect of the Highways under the Management of the said Local Board as is required by the Second Section of an Act passed in the Thirteenth Year of the Reign of Her present Majesty, Chapter Thirty-five, intituled "An "Act for requiring annual Returns of the Expenditure on High-"ways in England and Wales to be transmitted to the Secretary "of State, and afterwards laid before Parliament," of the Parties therein mentioned, and shall transmit such Statement to One of Her Majesty's Principal Secretaries of State, under the Penalties declared by that Section, such Penalties to be recovered and applied as Penalties are by the said Public Health Act made recoverable and applicable.

Repeal of Sects. 69. & 70. of Public Health Act, and Provisions as to Streets not being Highways.

XXXIX. The Sixty-ninth and Seventieth Sections of the Public Health Act shall be repealed; and in lieu thereof the following Provisions shall be enacted with respect to present and future Streets that are not Highways repairable at the Public Expense; that is to say,

(1.) In case any such Street as aforesaid, or the Carriageway or Footpath thereof, or any Part thereof, is not sewered, levelled, paved, flagged, channelled, or made good to the Satisfaction of the Local Board, such Board may from Time to Time, by Notice in Writing to the respective Owners or Occupiers of the Premises fronting, adjoining, or abutting upon such Parts as may require to be sewered, levelled, paved, flagged, channelled, or made good, require them to sewer, level, pave, flag, channel, or make good the whole Breadth of such Street or the Carriageway or Footpath thereof, or such Part thereof, within a Time to be specified in such Notice; and if such Notice is not complied with the said Local Board may, if they think fit, execute the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be paid by the Owners in default, according to the Frontage of their respective Premises, or in such Proportion as may be settled

settled by the Surveyor of the Local Board, or in case of Dispute by Arbitration in the Manner provided by the Public Health Acts; and such Expenses may be recovered from the last-mentioned Owners in a summary Manner, or the same may be declared by Order of the said Local Board to be Private Improvement Expenses, and be recoverable accordingly:

(2.) In Cases where the Owners of the Premises fronting, adjoining, or abutting on any such Street or Part of a Street as aforesaid are not entitled to a Right of Way in such Street, then, if any such Street, or the Carriageway or Footpath thereof, or any Part thereof, is not sewered, levelled, paved, flagged, channelled, or made good to the Satisfaction of the Local Board, such Board may from Time to Time, by Notice in Writing to the respective Owners of the Soil of such Street, require them to sewer, level, pave, flag, channel, or put in repair the whole Breadth of such Street, or the Carriageway or Footpath thereof, or such Part thereof, within a Time to be specified in such Notice; and if such Notice is not complied with the said Local Board may, if they think fit, execute the Works mentioned or referred to therein, and upon the Execution thereof, by Notice put up in any Part of such Street, declare the same to be a Highway repairable at the Public Expense, and such Street shall thenceforth be deemed to be a Highway repairable at the Public Expense:

(3.) The Local Board may from Time to Time, by Notice in Writing, put up in any Part of any present or future Street that is not a Highway repairable at the Public Expense, declare the whole Breadth of such Street, or the Carriageway or Footpath thereof, or any Part of such Street, Carriageway or Footpath, to be a Highway repairable at the Public Expense, and after the Expiration of *a Month* from the Date of such Notice being so put up the same shall, subject to the Provision herein-after contained, become a Highway repairable at the Public Expense, and be from Time to Time repaired as such; provided that no such Notice shall be of any Force, nor shall such Street or Part thereof, Carriageway or Footpath, become a Highway as last aforesaid, if within *One Month* after such Notice has been put up the Proprietor of such Street or Part thereof, Carriageway or Footpath, by Notice in Writing to the said Local Board objects thereto:

(4.) No Rector, Vicar, Curate, Incumbent, or Minister, of any Church, District Church, or Episcopal Chapel, and no Minister or Preacher of any other Chapel or Place which is or may be exclusively appropriated to Public Religious Worship,

Worship, and which, being neither a Church, District Church, nor Episcopal Chapel is or may be duly certified according to the Laws for the Time in force for the Performance of such Religious Worship, shall be deemed to be the Owner or Occupier of any such Church, Chapel, or other Place for the Purposes of this Section, or be liable in respect of such Church, Chapel, or other Place, or in respect of any Churchyard or Burial Ground attached thereto, to contribute to any Expenses payable under this Section, nor shall any such Expenses be deemed to be a Charge on such Church, Chapel, or other Place, or on such Churchyard or Burial Ground, or to subject the same to Distress, Execution, or other legal Process; and the Local Board may, if they think fit, undertake any Works from the Expenses of which any Rector, Vicar, Curate, Incumbent, Minister, or Preacher is hereby exempted, and pay the Expenses thereof out of the General District Rates levied in pursuance of the Public Health Act:

(5.) Any such Chapel, or other Place as aforesaid shall be deemed to be exclusively appropriated to public Religious Worship, notwithstanding the same or any Part thereof is used for Sunday or Infant School, or for the Charitable Education of the Poor.

Penalty on displacing Stones, &c.

XL. If any Person wilfully displaces, takes up, or injures the Pavement, Stones, Materials, Fences, or Posts of any Street, without the Consent of the Local Board, he shall incur for every such Offence a Penalty not exceeding *Five Pounds*, and a further Penalty not exceeding *Five Shillings* for every Square Foot of the Pavement, Stones, or other Materials so displaced, taken up, or injured.

Local Board may adopt Baths and Washhouses Act.

XLI. The Local Board of any District may determine that the Act passed in the Tenth Year of the Reign of Her present Majesty, Chapter Seventy-four, and intituled "An Act to encourage the "Establishment of Public Baths and Wash-houses," shall be adopted in such District; and upon such Adoption being made, the Provisions of such Act, and of any Act for the Amendment of the same, shall come into Operation within the District, and the Local Board shall possess the like Powers and Privileges, and be subject to the like Obligations, so far as the same respectively are applicable, as are by any Act mentioned in this Section conferred or imposed on the Council of any Borough; and all Expenses incurred by the Local Board in carrying into execution the Powers given to them by this Section shall be defrayed out of the Rates under the Public Health Act as the Nature of the Case may require, and all Receipts by them by reason of the Exercise of such Powers shall be carried to the District Fund Account.

Incorporation of Provisions of Towns Police Clauses Act, 1847.

XLII. The Provisions of "Towns Clauses Police Act, 1847;"

(1.) With respect to Obstructions and Nuisances in the Streets, and

(2.) With respect to Fires,

shall be incorporated with this Act, subject to the following Qualification; that is to say,

All Penalties imposed by the said "Towns Police Clauses Act, 1847," shall be recoverable in the same Manner and be applied to the same Purposes in and to which Penalties imposed by the Public Health Act are recoverable and applicable.

Incorporation of Provisions of the Towns Improvement Clauses Act, 1847.

XLIII. The Provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following Matters, that is to say,

(1.) With respect to naming the Streets and numbering the Houses;

(2.) With respect to improving the Line of the Streets and removing Obstructions;

(3.) With respect to ruinous or dangerous Buildings;

(4.) With respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses;

(5.) With respect to the Prevention of Smoke;

(6.) With respect to Clocks,

shall be incorporated with this Act, subject to this Qualification, that the above-mentioned Provisions respect to the Prevention of Smoke shall not extend to any of the Processes following; that is to say, to the coking of Coal, the calcining of Ironstone or Limestone, the making or burning of Bricks, Earthenware, Quarries, Tiles, or Pipes, the raising of any Mines or Minerals, the smelting of Iron Ores, the refining, puddling, shingling, and rolling of Iron or other Metals, or to the melting and casting of Iron into Castings.

Supply of Water compulsory when it can be furnished at 3*d.* per Week.

XLIV. The Seventy-sixth Section of "The Public Health Act" shall be repealed, and in lieu thereof be it enacted, That if it appears to the Local Board that any House within their District is without a proper Supply of Water, and that such Supply can be provided at an Expense not exceeding *Threepence* a Week, the Local Board may serve a Notice on the Owner of such House, requiring him to obtain such Supply within a Time to be specified in such Notice, and to do all such Works as may be necessary for that Purpose; and if such Owner fail to comply with such Notice the Local Board may themselves do such Works, and all Expenses incurred by them in so doing may be recovered in a summary Manner from such Owner, or may, if the Local Board thinks fit, be deemed to be Private Improvement Expenses, and recoverable accordingly.

XLV. The

XLV. The following Regulations shall be observed with respect to lighting any District: Regulations as to lighting.

(1.) The Local Board may cause all Streets and public Buildings under their Control and within their District to be lighted with Gas:

(2.) The Expense of obtaining a Supply of Gas for the foregoing Purposes shall be paid out of the General District Rates:

(3.) The Local Board shall demand such Supply from any Company or Person supplying Gas within the District, and such Company or Person shall supply the same, within their or his Limits of Supply, at such Rates, in such Quantities, and upon such Terms and Conditions as may be agreed upon between the Local Board and such Company or Person, or, in the event of Disagreement, may be settled by Two Justices, not being Members of the Local Board:

(4.) The Limits of Supply shall in the Case of a Company or Person authorized by any Act of Parliament or Charter to supply Gas be deemed to be the Limits within which such Company or Person is empowered by such Act of Parliament or Charter to furnish such Supply, and which are not actually for the Time being supplied by any other Company or Person in pursuance of any Act of Parliament or Charter, and in the Case of any other Company or Person, to be the Limits within which such Company or Person is at the Date of the passing of this Act actually supplying Gas, and has from thenceforth up to the Date of the Application or Adoption of the Public Health Act continued to furnish such Supply:

(5.) If there is not within the District any Company or Person authorized to supply or actually supplying Gas for public and private Purposes, the Local Board may supply the same themselves, or may contract with any Company or Person to supply Gas throughout the whole of the District; and if there is within a Part of the District any Company or Person authorized to supply or actually supplying Gas for public and private Purposes, but the Limits of Supply of such Company or Person as herein-before defined do not coincide with the Boundaries of that District, then the Local Board may supply the same themselves, or may contract with any pany or Person to supply Gas for the foregoing Purposes throughout any Part of the District not included within the Limits of Supply of such last-mentioned Company or Person.

Power of Local Board to establish Markets and Fairs.

XLVI. The Local Board shall have Power to do the following Things or any of them within their District:

To provide a Market Place and construct a Market House and other Conveniences, for the Purpose of holding Markets and Fairs:

To provide Houses and Places for weighing Carts:

To make convenient Approaches to such Market or Fair:

To provide all such Matters and Things as may be necessary for the convenient Use of such Market or Fair:

To purchase or take on Lease Land for any of the foregoing Purposes:

To take Stallages, Rents, and Tolls in respect of the Use by any Person of such Market House:

But no Market or Fair shall be established in pursuance of this Section so as to interfere with any Rights, Powers, or Privileges enjoyed within the District by any Person, chartered Joint Stock or incorporated Company, without his or their Consent.

Incorporation of Provisions of the Markets and Fairs Clauses Act, 1847.

XLVII. For the Purpose of enabling any Local Board to establish Markets or Fairs in manner aforesaid there shall be incorporated with this Act the Provisions of "The Markets and Fairs Clauses Act, 1847," with respect to the following Things:

With respect to the holding of the Market or Fair, and the Protection thereof; and

With respect to the weighing Goods and Carts; and

With respect to the Stallages, Rents, and Tolls; and

With respect to Byelaws;

subject to this Proviso, that all Tolls leviable by the Local Board in pursuance of this Section shall be approved by One of Her Majesty's Principal Secretaries of State.

Regulations as to the Purchase of Land.

XLVIII. So much of the Eighty-fourth Section of the Public Health Act as relates to the Incorporation of the Lands Clauses Consolidation Act, 1845, shall be repealed, and the following Regulations shall be observed with respect to the Purchase of Land by Local Boards; (that is to say,)

(1.) The Lands Clauses Consolidation Act, 1845, shall be incorporated with this Act, except the Provisions relating to Access to the Special Act:

(2.) The Local Board shall not put in force any of the Powers of the said Lands Clauses Consolidation Act in relation to the compulsory taking of Land, except with the Sanction of Parliament, such Sanction to be obtained by the Local Board

Board desirous of taking such Land in manner herein-after mentioned.

Publication of Notices.

XLIX. Every Local Board, before applying for the Sanction of Parliament, shall do as follows; (that is to say,)

Publish once at the least in each of *Three* consecutive Weeks in some Newspaper published in the County in which the District or some Part of the District within which such Local Board has Jurisdiction is situate an Advertisement describing shortly the Nature of the Undertaking in respect of which the Land is proposed to be taken, naming a Place where a Plan of the proposed Undertaking may be seen at all reasonable Hours, and stating the Quantity of Land that they require for the aforesaid Purposes:

Serve a Notice in manner herein-after mentioned on every Owner or reputed Owner, Lessee or reputed Lessee and Occupier of such Land, defining in each Case the particular Land intended to be taken, and requiring an Answer, stating whether the Person so served assents, dissents, or is neuter in respect of taking such Land.

Service of Notices.

L. Service of the Notices mentioned in the foregoing Section may be made as follows:

By Delivery of the same personally on the Party required to be served, or, if such Party is absent abroad, to his Agent; or

By leaving the same at the usual or last known Place of Abode of such Party as aforesaid; or

By forwarding the same by Post in a registered Letter addressed to the usual or last known Place of Abode of such Party.

Local Board to petition General Board.

LI. Upon Compliance with the Provisions herein-before contained with respect to Advertisements and Notices, the Local Board may present a Petition under their Seal to the General Board. The Petition shall state the Land intended to be taken, and the Purposes for which it is required, and the Names of the Owners, Lessees, and Occupiers of Land who have assented, dissented, or are neuter in respect of the taking such Land, or who have returned no Answer to the Notice. It shall pray that the Local Board may, with reference to such Land, be allowed to put in force the Powers of the said Lands Clauses Consolidation Act in relation to the compulsory taking of Land, and such Prayer shall be supported by such Evidence as the General Board requires.

General Board may direct Inquiry.

LII. Upon the Receipt of such Petition, and upon due Proof of the proper Advertisements having been published and Notices served,

served, the General Board shall take such Petition into their Consideration, and they may either dismiss the same, or they may, if they think fit, send an Inspector to the District in which the Land is situate, or take such other Steps as they think proper, for the Purpose of making Inquiry as to the Propriety of assenting to the Prayer of such Petition; but the General Board shall not, until such Inquiry has been made in the District, make any Provisional Order affecting any Land without the Consent of the Owners, Lessees, and Occupiers thereof.

Inspector to give Notice of Inquiry.

LIII. Before commencing his Inquiry in the District the Inspector shall give such Notice as the General Board directs of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him on the Subject Matter of such Inquiry.

General Board may make Provisional Order.

LIV. After the Completion of the Inquiry as last aforesaid the General Board may, by Provisional Order under their Seal, empower the Local Board to put in force with reference to the Land referred to in such Order the Powers of the said Lands Clauses Consolidation Act in relation to the compulsory taking of Land, and it shall be the Duty of the Local Board to serve a Copy of any Order so made in the Manner and upon the Persons in which and upon whom Notices in respect of such Land are herein-before required to be served.

General Board to obtain Confirmation of Provisional Order by Parliament.

LV. Any Provisional Order so made shall be of no Validity unless the same has been confirmed by Act of Parliament, but it shall be the Duty of the General Board of Health as soon as conveniently may be to obtain such Confirmation, and when so confirmed such Order shall be deemed to be a Public General Act of Parliament; and all Costs, Charges, and Expenses incurred by the said General Board in relation to any such Provisional Order as last aforesaid shall, to such Amount as the Commissioners of Her Majesty's Treasury think proper to direct, become a Charge upon the General District Rates levied in the District to which such Order relates, and be repaid to the said Commissioners of Her Majesty's Treasury by annual Instalments not exceeding *Five*, together with Interest after the yearly Rate of *Five Pounds* in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

Miscellaneous.

Repeal of Section 86 of Public Health Act.

LVI. The Eighty-sixth Section of the Public Health Act shall be repealed; and in lieu thereof be it enacted as follows: Whenever any Expenses are incurred or to be incurred by the Local Board in making, enlarging,

enlarging, altering, arching over, covering, or enclosing any Sewer vested or to be vested in them by the Public Health Act, or purchased or acquired by them by virtue thereof, or in or about any other Works, Matters, and Things of a permanent Nature, and executed or done for the Benefit of any District or Part of a District, the said Local Board shall make and levy, in respect of the Premises situate in the District or Part of a District for the Benefit of which the Expenses are incurred or to be incurred, an annual Rate, to be called a Special District Rate, of such Amount as will be sufficient to discharge the Amount of such Expenses, and Interest thereon, within such Period, not exceeding *Fifty* Years, as the said Local Board shall in each Case determine: Provided always, with respect to the Cost of making any such new Sewer, that if it appear to the said Local Board that any Premises were sufficiently drained before the new Sewer was made they shall deduct from the Amount of Rates otherwise chargeable in respect of such Premises such a Sum and for such Time as the said Local Board may, under all the Circumstances of the Case, deem to be just. Special District Rates.

LVII. So much of the Eighty-eighth Section of the Public Health Act as provides that if, within any District or Part of a District, any Kind of Property shall, before the *passing of this Act*, have been exempted from Rating by any Local Act, in respect of all or any of the Purposes for which General or Special District Rates may be made under this Act, the same Kind of Property shall, in respect of the same Purposes and to the same Extent, within the Parts to which the Exemption applies but not further or otherwise, be exempt from Assessment to any Special or General District Rates under this Act, shall be repealed; and in lieu thereof be it enacted as follows: No Provision in a Local Act exempting within any District any Kind of Property from rating in respect of all or any of the Purposes for which General or Special District Rates may be made under the Public Health Act shall be repealed in any Provisional Order of the General Board of Health, but such Provision may be repealed by Enactments forming Part of any Act for confirming Provisional Orders that may be introduced by the General Board of Health. As to Exemption from Rating under Local Acts.

LVIII. Any Local Board of Health which, before the *passing of this Act*, has borrowed, on the Credit of Rates under the Public Health Act, Sums of Money repayable in Periods not exceeding Thirty Years, may, with the Consent of the Lenders of such Sums, and the Sanction of the General Board of Health, extend the Time for Repayment of such Sums to such Period, not exceeding *Fifty* Years, as the Local Board shall in each Case determine. Provision with regard to existing Mortgages.

Power of Local Board to order new Assessment.

LIX. Whenever it appears to any Local Board that the Valuation of any Property on which the Poor Rates are assessed within their District does not furnish a correct Estimate for the Assessment of Rates under the Public Health Act, they may order a Valuation to be made of any Property within their District liable to Rates under the Public Health Act, according to the annual Value of such Property, and may pay the Cost of such Valuation out of the General District Rates, and may, from and after the making of such Valuation, assess thereon all Rates that may be leviable in the District or in such Part thereof under the Public Health Act.

Offer of Composition under 11 & 12 Vict. c. 63. s. 95. not necessary to rating of Occupier.

LX. Whenever the net annual Value of any Premises assessable under the Public Health Act does not exceed the Sum of Ten Pounds, or whenever any Premises liable to such Assessment are let to weekly or monthly Tenants or in separate Apartments, and the Rents become payable or are collected in any shorter Period than quarterly, the Local Board of Health may rate the Owners thereof instead of the Occupiers, without any such Offer and Refusal of Composition for Rates as is required by the Ninety-fifth Section of the Public Health Act, before any Rate can be levied on such Owners; but, notwithstanding such Rating and Payment of Rates by the Owners thereof, the Occupiers of any Premises mentioned in this Section shall be entitled to vote under the Public Health Act as if they, instead of such Owners, were rated to and paid the Rates under such Act.

Publication of Private Improvement Rates not required.

LXI. No Publication shall be required of any Private Improvement Rate levied under the Public Health Act.

Repeal of Portion of 11 & 12 Vict. c. 63. s. 107.

LXII. So much of the Hundred and seventh Section of the Public Health Act as provides that the Money borrowed under the Authority of that Act shall not at any Time exceed in the whole the assessable Value for One Year of the Premises assessable under that Act, within the District or Part of a District for or in respect of which such Money may be borrowed, shall be hereby repealed; and instead thereof be it enacted as follows: That the Money borrowed under the Authority of the Public Health Act shall not at any Time exceed in the whole the assessable Value for *Two* Years of the Premises assessable under those Acts within the District or Part of a District for or in respect of which such Money may be borrowed.

What Rates may be mortgaged to raise Money for First Outlay on

LXIII. Every Local Board of Health desirous of obtaining an Advance of Money to provide for the Expenses of any Works declared by the Public Health Act to be Private Improvement Expenses may secure the Repayment of such Advance, and Interest, by

by a Mortgage of all or any of the Rates authorized to be levied by them under the Public Health Act; but the Power of mortgaging hereby given shall be without Prejudice to the Power of such Local Board to levy a Private Improvement Rate for the Payment of such Expenses, and it shall be their Duty to levy the same accordingly, and to appropriate all Monies arising from such last-mentioned Rate in liquidation, in the first place, of any Monies that may have been paid out of any other Rate in respect of any Advance so made for Improvement Expenses, or of the Interest on such Advance, and, subject as aforesaid, to the Purposes for which the Monies arising from such Private Improvement Rates are otherwise applicable under the Public Health Act. Private Improvement Expenses.

LXIV. The Costs of the Levy of Arrears of Rates under the Public Health Act may be included in the Warrant for such Levy. Costs of levying Arrears of Rates.

LXV. And whereas Doubts have existed whether, under the Public Health Act, Local Boards of Health may pay off any Sums borrowed by them on Mortgage otherwise than in the Manner described in the Section numbered One hundred and thirteen in that Act, and also whether such Sums may be borrowed for less than a Period of Thirty Years; and it is desirable that such Doubts should be removed: Be it hereby enacted, That any Sum so borrowed may, by Agreement with the Mortgagee, be paid off by equal annual Instalments of Principal and Interest, and that (when the Period of Repayment is not extended under the Powers of this Act) such borrowing may be for such Time, not exceeding *Thirty* Years, as the Local Board, with the Sanction of the General Board of Health, determine in each Case. Explanation of Sect. 113. of 11 & 12 Vict. c. 63.

LXVI. It shall be lawful for any Local Board, by Agreement with the Trustees of any Turnpike Road to take upon themselves the Maintenance, Repair, Cleansing, and Watering of such Portion of the said Road as may be within their District, or of any Part of such Portion on such Terms as to the Tolls receivable on such Turnpike, and as to the shifting of Toll Gates or Toll Bars, or otherwise, as the Local Board and the Trustees may agree upon between themselves; and Notice of every such Agreement shall be published once at the least in some One Newspaper circulating within the District for Two successive Weeks after such Agreement has been made, and shall be affixed in all Places within the District where public Notices are usually affixed; and any Person holding any Security for Money advanced to such Trustees, if dissatisfied with such Agreement, may appeal against the same to the Court of General or Quarter Sessions, in the same Manner, and on the same Terms in respect of Notice, as Power of Local Board as to Turnpike Roads.

are contained in the Public Health Act in the Case of Appeals against Rates leviable under that Act; and the Determination of the said Court in respect of such Agreement shall be conclusive.

Sect. 126. of 5 & 6 W. 4. c. 76. not to apply to Public Health Acts.

LXVII. The Section relating to the Application of Penalties numbered One hundred and twenty-six in the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Seventy-six, intituled "An Act for the better "Regulation of Municipal Corporations in England and Wales," shall not extend to the Application of Penalties incurred under the Provisions of the Public Health Act, or any Act amending the same.

Appellants under Public Health Act to enter into Recognizances.

LXVIII. Every Person giving Notice of Appeal to the Court of General or Quarter Sessions under the Public Health Act shall, within *Five* Days after giving such Notice, enter into a Recognizance before some Justice of the Peace, with sufficient Securities, to the Satisfaction of such Justice, conditioned to try such Appeal at the then next General Sessions or Quarter Sessions of the Peace, whichever first happens, and to abide the Order of and pay such Costs as may be awarded by the Justices at such Sessions.

Notices by Local Board, how signed.

LXIX. Where any Notice is required to be given by any Local Board under the Public Health Act, such Notice shall in all Cases be sufficiently executed if signed by the Clerk to the Local Board; and every Notice purporting to be signed by such Clerk shall be receivable in Evidence in all Courts of Justice, and in all legal Proceedings, without any further or other Proof thereof.

Notices to be binding on Assigns.

LXX. All Notices required under the Public Health Act to be served on any Owner or Occupier shall, if due Service thereof has been once made on any Owner or Occupier, be binding on all Persons claiming by, from, or under such Owner or Occupier, to the same Extent as if such Notice had been served on such last-mentioned Persons respectively.

Penalty on Injury to Works, &c. of Local Board.

LXXI. If any Person injures any Works or Materials belonging to any Local Board, he shall incur for every such Offence a Penalty not exceeding *Five Pounds*, to be recovered in a summary Manner.

Repeal of Sect. 145. of PublicHealth Act.

LXXII. The Hundred-and-forty-fifth Section of "The Public Health Act" shall be repealed.

Saving Clauses.

Saving Clause for Proprietors of Canals, &c. 11 & 12 Vict. c. 63. s. 118.

LXXIII. No Power given by the Public Health Act shall be exercised in such Manner as to do the following Things or any of them:

(1.) To interfere with any River, Canal, Dock, Harbour, or Basin, so as to injuriously affect the Navigation thereon or the Use thereof,

thereof, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals, are by virtue of any Act of Parliament entitled to navigate on or use such River, Canal, Dock, Harbour, or Basin, or in respect of the Navigation on or Use of which River, Canal, Dock, Harbour, or Basin any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals are entitled by virtue of any Act of Parliament to the Receipt of any Tolls or other Dues:

(2.) To interfere with any Watercourse in such Manner as to injuriously affect or permanently diminish the Supply of Water to any River, Canal, Dock, Harbour, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, (being authorized by virtue of any Act of Parliament to navigate on or use such River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation on or Use of such River, Canal, Dock, Harbour, or Basin,) would, if this Act had not passed, have been entitled by Law to prevent or be relieved against such Interference:

(3.) To interfere with any Bridges crossing any River, Canal, Dock, Harbour, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are authorized by virtue of any Act of Parliament to navigate or use such River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation or Use of such River, Canal, Dock, Harbour, or Basin:

(4.) To execute any Works in, through, or under any Wharves, Quays, Docks, Harbours, or Basins, to the exclusive Use of which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament, or for the Use of which they are entitled by virtue of any Act of Parliament to demand any Tolls or Dues;—

Without the Consent in every Case of such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as are herein-before in that Behalf respectively mentioned, such Consent to be expressed in Writing, in the Case of a Corporation under their Common Seal, and in the Case of a Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, under the Hand of their Clerk or other duly authorized Officer or Agent.

Certain Works to be referred to Arbitration.

LXXIV. In Cases where any Matters or Things proposed to be done by any Local Board, and which are not within the Prohibition aforesaid,

aforesaid, interfere with the Improvement of any River, Canal, Dock, Harbour, or Basin which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the Navigation whereon or Use whereof to demand any Tolls or Dues, or interfere with any Works belonging to such River, Canal, Dock, Harbour, or Basin, or with any Land necessary for the Enjoyment or Improvement thereof, the Local Board shall give to such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as last aforesaid a Notice specifying the Particulars of the Matters and Things so intended to be done; and if the Parties on whom such Notice is served do not consent to the Requisitions thereof, the Matter in difference shall be referred to Arbitration in manner herein-before provided, and the following Questions shall be decided by such Arbitration; (that is to say,)

(1.) Whether the Matters or Things so proposed to be done by the Local Board will cause any Injury to such River, Canal, Dock, Harbour, Basin, Works, or Land as are herein-before mentioned in this Section, or to the Enjoyment or Improvement of such River, Canal, Dock, Harbour, or Basin as aforesaid:

(2.) Whether any Injury that may be caused by such Matters or Things or any of them is or not of a Nature to admit of being fully compensated by Money.

Effect of Arbitration.

LXXV. The Result of any such Arbitration shall be final, and the Local Board shall do as follows; (that is to say,)

If the Arbitrators are of opinion that no Injury will be caused, the Local Board may forthwith proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, but that such Injury is of a Nature to admit of being fully compensated by Money, they shall proceed to assess such Compensation; and upon Payment of the Amount so assessed, but not before, the Local Board may proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, and that it is not of a Nature to admit of being fully compensated by Money, the Local Board shall not proceed to do any Matter or Thing in respect of which such Opinion may be given.

Power for Corporations to alter Sewers.

LXXVI. Any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on or use any River, Canal, Dock, Harbour,

Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation on such River or Canal, or the Use of such Dock, Harbour, or Basin, may, at their own Expense, and on substituting other Sewers, Drains, Culverts, and Pipes equally effectual, take up, divert, or alter the Level of any Sewers, Drains, Culverts, or Pipes constructed by any Local Board, and passing under or interfering with such Rivers, Canals, Docks, Harbours, or Basins, or the Towing Paths of such Rivers, Canals, Docks, Harbours, or Basins, and do all such Matters and Things as may be necessary for carrying into effect such taking up, Diversion, or Alteration.

Saving Clause for Rights of Millowners, &c.

LXXVII. No Power given by the Public Health Act shall be exercised in such Manner as to injuriously affect the Supply, Quality, or Fall of Water contained in any Reservoir or Stream, or any Feeders of such Reservoir or Stream, in Cases where any Company or Individual are entitled for their own Benefit to the Use of such Reservoir or Stream, or to the Supply of Water contained in such Feeders, for the Purpose of any Mills, Mines, Print Works, Bleach Works, or other Trade Purposes, without the Consent in Writing of the Parties so entitled to the Use of such Reservoirs, Streams, and Feeders, and also of the Owners thereof, in Cases where the Owners and Parties so entitled are not the same Persons.

Arbitration Questions under preceding Sections.

LXXVIII. Any Difference of Opinion that may arise between a Local Board and any such Corporation, Company, Commissioners, Conservators, Trustees, or Individuals as aforesaid, whether any Sewers, Drains, Culverts, or Pipes substituted under the Powers of this Act for Sewers, Drains, Culverts, or Pipes constructed or laid down by any Local Board are equally effectual with those for which they are substituted, or whether the Supply, Quality, or Fall of Water in any such Reservoir or Stream as last aforesaid is injuriously affected by the Exercise of Powers under the Public Health Act, shall be determined by Arbitration in the Manner provided by that Act; and in the latter Case the Arbitrators shall decide the same Questions as to the alleged Injury; and the Local Board shall proceed in the same Way as is herein-before provided with regard to Arbitrations in Cases of alleged Injury to Rivers, Canals, Docks, Harbours, and Basins.

Saving Clause as to Metropolitan Roads.

LXXIX. Notwithstanding anything contained in the Public Health Act, it shall not be lawful for any Local Board to open or in any way disturb any of the public Roads or Footpaths under the Charge of the Commissioners of the Metropolitan Turnpike Roads North of the Thames (which Commissioners are herein-after called Turnpike Commissioners), and which Roads and Footpaths are herein-after called

Metropolitan Roads, except upon the Conditions and subject to the Regulations herein-after contained; that is to say,

(1.) The Local Board shall leave at the Office of the Turnpike Commissioners *Seven* Days previous Notice containing full Particulars of any Works intended to be executed by them, and affecting any of such Metropolitan Roads:

(2.) If the General Surveyor of the Turnpike Commissioners directs the Works to be on any particular Part of such Roads, the Local Board shall be bound to obey such Directions:

(3.) Except by the Permission of the Turnpike Commissioners, the Traffic of any of the Metropolitan Roads shall not at One Time be stopped or in any way hindered along more than Half of its Width, nor, if the Half left open is of less than the clear Width of Fourteen Feet, along more than One hundred Yards in Length, and no Alteration shall be made in the Inclination of any of the Metropolitan Roads of more than One Foot in Sixty Feet:

(4.) All Works shall be done under the Superintendence of the General Surveyor; and all such Precautions as he may direct for the Protection and Convenience of the Public shall be taken, by and at the Expense of the Party doing the Works, and in default the said General Surveyor shall cause to be done in that Behalf what he may think proper; and the Party doing the Works shall in all Cases of Damage occurring by reason of such Works, and whether such Precautions are or not taken, be answerable to the Person suffering such Damage, the Turnpike Commissioners being hereby absolved from all Liability in respect of the Consequences of such Works:

(5.) The Party doing the Works shall, as regards every Road opened or disturbed, restore the same to its original State as to Surface and Materials, and, in order to meet the future Expenses consequent upon the Subsidence of Materials newly filled in, shall pay to the Turnpike Commissioners, on Demand, such Sum as they may require for that Purpose, not exceeding *One Shilling* for every superficial Square Yard, and, so far as the Works affect the same, shall make good all Drainage, Paving of Water Channels, Curbs of Footpaths, and other Matters and Things connected with the Maintenance of the Metropolitan Roads, and on default the said General Surveyor may cause to be done in that Behalf what he may think fit; and in all Cases of Expense incurred by the said General Surveyor, on the Default of the Party doing the Works, such Party shall pay such Expense to the Commissioners, on Demand.

SCHE-

SCHEDULE.

FORM A.

Form of Notice as to Houses.

Public Health Act,

To the Local Board of Health for the District of

I do hereby give you Notice, that I intend to (1)
on the following Site, viz.;
and that the Materials of the external Walls will consist of ( )
of in Thickness from the Foundations to
the (3)
and of in Thickness from the
to the

The Roof will be covered with

The Level of the Cellar or lowest Floor will be (4)

The Heights and Dimensions of the several Rooms will be (5)

The Sizes of the Window Openings of the several Rooms will be (6)

The Means of Ventilation will be (7)

The will be situated (8)

The Drainage will consist of (9)

The Supply of Water will be derived from (10)
and will be provided

---

(1) *Here describe the intended Operation, whether it be,*
To build a new House:
To rebuild a House pulled down to or below the Ground Floor: *or,*
To convert any Building into a House.

(2) *If the Walls are of different Materials, they must be distinguished.*

(3) *Insert the several Heights at which there is intended to be any Variation of Thickness.*

(4) *Insert the Level above or below some fixed accessible Spot.*

(5) *Insert the List of Heights and Dimensions, unless the whole are clearly set forth in accompanying Plans and Sections.*

(6) *Insert List of Sizes for the several Rooms, or the Number of Square Feet of Opening proportionate to the Cubic Space of each Room.*

(7) *For all Rooms without Fireplaces, describe what Means of Ventilation are proposed.*

(8) *Describe Situation of Watercloset, or state* "as shown on the Plan." *If Privy or Cesspool be proposed, state the Reason why Watercloset cannot be brought into use.*

(9) *Describe Material to be used, and insert all other Particulars not given on the Plans or Sections.*

(10) *If Supply of Water be derived from a Well, describe its Position, either here or on the Plan.*

at (11) for the Deposit of dry Refuse.

The open Space attached to the House, and forming Part of the same Premises, will be Square Feet, situated (12)

Dated this Day of

Name

Address

---

(11) *State the Position of the Place of Deposit of dry Refuse.*

(12) *Describe whether the open Space or Spaces be at the Front, Back, or Side of House, or* "as shown on the Plan."

FORM B.

Building Notice.

To the Surveyor of the Local Board of Health of

I being the Person engaged in the Execution of the Work of (1) in accordance with the Plan and Particulars approved by the Local Board of Health on the Day of do hereby give you Notice that (2) will be complete and ready for Inspection on the Day of

Dated this Day of

Name

Address

---

(1) *State whether it be the building of a new House, the re-building of a House pulled down, or the Conversion of any Building into a House.*

(2) *Describe the Stage of the Work which will be ready for Inspection according to the annexed Table.*

Table of the different Stages of the Work of building or rebuilding Houses, or of converting Buildings into Houses, at which Two Days Notice is to be given to the Surveyor of the Works being ready for Inspection :—

1. When the Excavations have been made for the Foundations.
2. When the Drains have been laid in, but not covered up.
3. When the Walls have been carried up to the Ground Floor Level.
4. When the Roof is ready for covering.
5. When the Building is complete.

Public Health Act Amendment.

A

B I L L

To amend the Public Health Act, 1848.

(Prepared and brought in by Mr. Cowper and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 26 *May* 1856.

[Bill 154.]

Under 5 oz.

Public Health Act Amendment Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Section
1. Preamble. Act to be construed with Public Health Act, 1848.
2. Construction of incorporated Acts.
3. Act not to be applied to the Metropolis.
4. District Parish to be deemed a Place with a known and defined Boundary.
5. Repeal of Proviso in 17 & 18 Vict. c. 95. s. 2.

Constitution of Local Boards of Health.

6. General Board may set out Wards for Election of Local Boards.
7. Supply of casual Vacancies.
8. Trustees or Feoffees for public or charitable Purposes, &c. to vote as One Owner under Public Health Act.
9. Disqualifications of Members of Local Boards on account of Absence.
10. Definition of "Contract" in the 19th Section of the Public Health Act, 1848.
11. First Meeting of Local Board.
12. Appointment of Persons to conduct First Election of Local Board.

Powers of Local Boards of Health.

13. Rules with respect to scavenging.
14. Powers of Local Board with respect to scavenging.
15. Penalty on unauthorized scavenging.
16. Power of Local Board to make Byelaws as to scavenging.
17. Local Board may make Byelaws as to Nuisances.
18. Amendment of Section 59. of 11 & 12 Vict. c. 63. as to Removal of Accumulations.
19. Amendment of Section 54. of 11 & 12 Vict. c. 63.
20. Expenses of repairing Highways.
21. Certain Acts not required in case of Highway Rate made by Local Board.
22. Application of Surplus under 11 & 12 Vict. c. 63. s. 117.
23. Duties of Clerk of Local Board as to Account of Expenditure on Highways.

Section
24. Repeal of Sections 69. and 70. of 11 & 12 Vict. c. 63., and Provisions as to Streets not being Highways.
25. Local Board may adopt Baths and Washhouses Act.
26. Incorporation of Provisions of Towns Police Clauses Act, 1847.
27. Incorporation of Provisions of Towns Improvement Clauses Act, 1847.
28. Supply of Water compulsory where it can be furnished at 3*d.* a Week.

Miscellaneous.

29. Repeal of Section 86. of Public Health Act. Special District Rates.
30. Provision as to Exemptions under Local Acts.
31. Provision with regard to existing Mortgages.
32. Power of Local Board to order new Assessment.
33. Publication of Private Improvement Rates not required.
34. Repeal of Portion of 11 & 12 Vict. c. 63. s. 107.
35. What Rates may be mortgaged to raise Money for First Outlay on Private Improvement Expenses.
36. Costs of levying Arrears of Rates.
37. Explanation of Section 113. of 11 & 12 Vict. c. 63.
38. Power of Local Board as to Turnpike Roads.
39. Section 126. of 5 & 6 Will. 4. c. 76. not to apply to Public Health Acts.
40. Appellants under Public Health Act to enter into Recognizances.
41. Notices by Local Board, how signed.
42. Notices to be binding on Assigns.
43. Penalty on Injury to Works, &c. of Local Board.
44. Repeal of Section 145. of Public Health Act.

Saving Clauses.

45. Saving Clause for Proprietors of Canals, &c.
46. Saving Clause as to displacing Pavements.
47. Certain Works to be referred to Arbitration.
48. Effect of Arbitration.
49. Power of Corporations, &c. to alter Sewers.
50. Saving Clause for Millowners.
51. Arbitration of Questions arising under preceding Sections.
52. Saving Clause for Rights of Owners of Waterworks.
53. Saving of Local Acts obtained by Local Boards of Health.
54. Saving Clause as to Metropolis Roads.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Public Health Act, 1848.

[Note.—*The Clauses marked* A. *to* D. *were added in Committee.*]

Preamble.

WHEREAS it is expedient that the Public Health Act, 1848, should be amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Act to be construed with Public Health Act, 1848.

I. This Act shall be construed together with and shall be deemed to form Part of the Public Health Act, 1848, herein-after called the Public Health Act; and Local Boards of Health herein-after mentioned shall include Local Boards constituted before the passing of this Act as well as those constituted afterwards.

Construction of incorporated Acts.

II. In the Construction of the Acts herein-after incorporated the Expression "the Special Act" shall mean the Public Health Act as brought into operation within the District; the "Limits of the Special Act" shall mean the "Limits of the District;" "the passing of the Special Act" shall mean "the Date of the Application or Adoption of the Public Health Acts;" and the Local Board shall, according to the Tenor of the incorporated Act, be deemed to be

the Promoters of the Undertaking, "Town Commissioners," Commissioners, or "Undertakers."

Public Health Act not to be applied to the Metropolis.

III. So much of the First Section of the Public Health Act as provides that such Act is not to be applied to certain Parts therein mentioned shall be repealed; and in lieu thereof be it enacted, That the Public Health Act may be applied to any Part of England and Wales, with the Exception of the Metropolis, as defined by an Act passed in the Nineteenth Year of the Reign of Her present Majesty, Chapter One hundred and twenty, intituled "An Act for the better Local "Management of the Metropolis."

District Parish to be deemed a Place with a known defined Boundary.

IV. Any District Parish that is or may hereafter be constituted for Ecclesiastical Purposes shall be deemed to be a Place having a known and defined Boundary within the Meaning of the Public Health Act.

Repeal of Proviso limiting the Duration of the General Board of Health in 17 & 18 Vict. c. 95.

V. So much of the First Section of an Act passed in the Nineteenth Year of the Reign of Her present Majesty, Chapter One hundred and fifteen, as provides that the General Board of Health, herein-after called the General Board, shall be continued only for One Year next after the Day of the passing of such last-mentioned Act, and thenceforth until the End of the then next Session of Parliament, and no longer, shall be repealed; and the said Board shall be continued for Three Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament, and no longer.

Constitution of Local Boards of Health.

General Board may set out Wards for Election of Local Boards.

VI. It shall be lawful for the said General Board in any Order in Council or Provisional Order under the Public Health Act, affecting any Non-corporate District, to set out Wards for the Election of Members of a Local Board, and to fix the Number of Members of such Board to be elected in respect of such Wards respectively.

Supply of casual Vacancies.

VII. Whenever any casual Vacancy occurs in any Local Board of Health, herein-after called the Local Board, by the Death, Resignation, Disqualification, or otherwise of any Member thereof elected for a Term of which not less than One Year is unexpired, such Vacancy shall, within Two Months from the Date of such Occurrence, be filled up by any qualified Person elected by the Body who elected the Member so vacating, but the Member elected to fill such Vacancy shall retain his Place so long only as the vacating Member would have retained the same if no Vacancy had occurred.

VIII. Any

Trustees or Feoffees for public or charitable Purposes, &c. to vote as One Owner under Public Health Act.

VIII. Any Body of Trustees or Feoffees for public or charitable Purposes, or any similar Body, shall be deemed to be One Owner for the Purpose of voting under the Public Health Act, 1848, and any Act amending the same, and shall vote by Proxy appointed in Writing under the Hands of Three of such Body; and no Member of such Body shall be entitled to vote individually as Owner in respect of any of the Property of such Body.

Disqualification of Members of Local Boards on account of Absence.

IX. So much of the Eighteenth Section of the Public Health Act as relates to the Disqualification by Absence of any Person elected or selected from all Meetings and Committees of the Local Board of Health shall be repealed; and in lieu thereof be it enacted, that if any selected or elected Member of the Local Board absents himself during Three successive Months from all Meetings of the Board, except from Illness, or other Cause to be approved by the Board, such Person shall cease to be a Member of the Local Board.

Definition of "Contract" in the 19th Section of the Public Health Act, 1848.

X. The Word "Contract" as used in the Nineteenth Section of the Public Health Act shall not extend to any Lease, Sale, or Purchase of any Lands or Hereditaments, or to any Agreement for such Lease, Sale, or Purchase, or to the Loan of Money, or to any Security for the Payment of Money only.

First Meeting of Local Board.

XI. The First Meeting of the Local Board of any non-corporate District shall, if there are no elected Members on such Board, be held at such Time, not exceeding Fourteen Days from the Date of the Selection of the Select Members thereof, as the Mayors for the Time forming Part of such Board may, by Notice to be left at the Residence of every Member, or forwarded by Post to his usual Address, determine; but if such Board consists either wholly or in part of elected Members, then the same shall be held at such Time, not exceeding Fourteen Days from the Date of the Election of such last-mentioned Members, and at such Place, as the Person conducting the First Election may appoint, by Notice to be so left or forwarded as aforesaid; and if no such Time and Place be appointed by such Mayors or Person as aforesaid, within such Period of Fourteen Days, any Member of the Board may thereafter convene a Meeting by a like Notice.

Appointment of Persons to conduct First Election of Local Board.

XII. Whenever the Persons appointed by the General Board to conduct the First Election of any Local Board are from any Cause whatever unable or unwilling to conduct the same, such General Board may from Time to Time, by Order under their Seal, appoint any other Person or Persons to act in their Stead, and upon such Appointment being made Notice thereof shall be published in some

One or more of the Newspapers circulating in the District in respect of which such Appointment is made, and shall be affixed to the Doors of all Churches, Chapels, and other Public Buildings within the District on which Notices are usually affixed; but no Omission to publish or affix such Notice shall invalidate any Appointment made in pursuance of this Section, or any Act of the Appointee.

Powers of Local Boards.

Rules with respect to Scavenging.

XIII. The Fifty-fifth and Fifty-sixth Sections of the Public Health Act shall be repealed, and in lieu thereof be it enacted, That in every District the following Works shall be done with respect to Scavenging; (that is to say,)

(1.) All Streets, together with the Foot Pavements, if any, thereof, shall be properly cleansed; and the whole or any Part of such Streets may, in the Discretion of the Local Board, be watered:

(2.) All Snow, Filth, and Refuse found in any Street shall be collected and removed:

(3.) All Dust, Ashes, Filth, and Rubbish shall be carried away from the Premises of the Inhabitants:

(4.) All Privies and Cesspools shall be from Time to Time emptied and cleansed:

And the Local Board may themselves undertake or contract with any Person to undertake the aforesaid Works or any of them; and in any Contract made by them the Local Board may require that all animal and vegetable Refuse and decomposing Matter be at once separated from the Ashes deposited in the Scavenger's Yards or Dust Yards, and be removed from the Premises of the Contractor.

Powers of Local Board in respect of Scavenging.

XIV. In the event of the Local Board themselves undertaking or contracting with any other Person to undertake the Works hereby required in relation to Scavenging, or any of them throughout the District, or any Part thereof, all Sewage, Soil, Dung, Filth, Ashes, Dust, and Rubbish collected in the Execution of such Works by the Local Board or by any Person authorized by them may be sold or otherwise disposed of in such Manner as the Local Board directs, and any Profits made by the Local Board in pursuance of this Section shall be carried to the District Fund Account.

Penalty on unauthorized Scavenging.

XV. In such Event as last aforesaid, if any Person, not being the Occupier of an House within the District, removes, or obstructs the Local Board or any Person authorized by them in removing, any Snow, Sewage, Soil, Dung, Filth, Ashes, Dust, or Rubbish hereby authorized to be removed by the Local Board, he shall for each Offence incur a Penalty not exceeding Five Pounds; and if any Person, being the Occupier of an House within the District, removes,

or

or obstructs the Local Board or any Person authorized by them in removing, any such Substances as aforesaid, (except in Cases where such Substances are produced on his own Premises, and are removed for his own Use for Manure at such Times and in such Manner as may be approved by the Local Board, and are in the meantime kept in such a Manner as not to be a Nuisance to his Neighbours,) he shall for each Offence incur a Penalty not exceeding Five Pounds.

Power of Local Board to make Byelaws as to Scavenging.

XVI. In Cases where the Local Board do not themselves undertake or contract with any Person to undertake to do the following Works, or any of them, that is to say:

(1.) To cleanse the Footways and Pavements adjoining any Premises:

(2.) To carry away the Snow, Dust, Ashes, Filth, and Rubbish from any Premises:

(3.) To empty the Privies and Cesspools belonging to or used in connexion with any Premises:

They may make Byelaws imposing on the Occupier of any such Premises all or any of the Duties of cleansing any such Footways and Pavements, of carrying away such Snow, Dust, Ashes, and Rubbish, and of emptying any such Privies and Cesspools as are mentioned in this Section, at such Times and in such Manner as they may approve of, and they may annex reasonable Penalties for the Breach of such Byelaws. The Power of making Byelaws given by this Section may be exercised by the Local Board as to Part of a District, notwithstanding that such Board themselves undertake or contract with some other Person to undertake in other Parts of the District the Works mentioned in this Section, or any of them, and notwithstanding that the Local Board themselves undertake or contract with some other Person to undertake a Portion of such Works throughout the whole District.

Local Board may make Byelaws as to Nuisances.

XVII. The Local Board may make Byelaws for the Prevention of Nuisances arising from Snow, Filth, Dust, Ashes, and Rubbish within their District, or from the keeping of Animals, and may annex reasonable Penalties for the Breach of such Byelaws.

Amendment of Sect. 59. of 11 & 12 Vict. c. 63. as to Removal of Accumulations.

XVIII. Whenever any Accumulation of Manure, Dung, Soil, Filth, or other offensive or noxious Substances has been removed by the Local Board, in pursuance of the Fifty-ninth Section of the Public Health Act, the Expenses of such Removal, so far as the same are not covered by the Monies realized by such Sale or Disposition of the said Manure, Dung, Soil, Filth, or other offensive or noxious Substance as in the said Section mentioned, shall be recoverable by them in a summary Manner from the Owner or Occupier of the Premises in

which such Accumulation existed, or from the Person causing such Accumulation, or such Expenses may, by Order of the Board, be declared to be Private Improvement Expenses.

Amendment of Sect. 54. of 11 & 12 Vict. c. 63.

XIX. Whenever the Surveyor, in the course of any Examination made by him in pursuance of the Fifty-fourth Section of the Public Health Act, finds any such Drain, Watercloset, Privy, Cesspool, or Ashpit, as therein mentioned, to be in bad Order and Condition, or to require Alteration, it shall not be necessary for him to cause the Ground to be closed before calling on the Owner or Occupier to do the necessary Works.

Expenses of repairing Highways.

XX. And whereas Doubts have arisen as to the Mode in which in Districts under the Public Health Act the Expenses of paving and repairing Streets should be borne, and it is expedient to remove such Doubts: Be it enacted, That the Expenses of paving and repairing the Streets within any District shall be borne as follows; that is to say,

In Cases where, before the Application of the Public Health Act, the Streets were paved and repaired out of Rates levied under any Local Act, the paving and repairing of existing and future Streets shall be defrayed out of the General District Rates leviable under the Public Health Act:

In Cases where, before the Application of the Public Health Act, the Streets were paved and repaired out of a Highway Rate, or partly out of a Highway Rate and partly out of Rates levied under any Local Act, the paving and repairing of existing and future Streets shall henceforth be defrayed either out of a Highway Rate made, assessed, and levied by the Local Board within their whole District upon the same Property and in the same Manner upon and in which the Surveyor of Highways might have made, assessed, and levied the same previously to the Application of the Public Health Act, or, if the Local Board think fit, out of the General District Rates leviable under the Public Health Act:

Provided that all Rates for the Repair of Highways which have been made and not collected before the passing of this Act shall be deemed good, whether the same have been made as General District Rates or as Highway Rates.

Certain Acts not required in case of Highway Rate made by Local Board.

XXI. Provided, That it shall not be necessary for any Local Board, in the Case of any Highway Rate made by them, to do the following Acts or any of them; that is to say,

To lay such Rate before any Justices, or obtain their Allowance:

To annex thereto the Signature of such Local Board:

To

To lay the same before the Parishioners assembled in Vestry:

To verify before any Justices any Accounts kept by them of such Highway Rates:

And all such Accounts shall be audited in all respects in the same Way as the other Accounts of the Local Board under the Public Health Act, and all ministerial Acts required by any Act of Parliament to be done by the Surveyor of Highways may be done by the Surveyor of the Local Board, or by such other Person as they may appoint.

Application of Surplus, under 11 & 12 Vict. c. 63. s. 117.

XXII. The Surplus of any Monies directed by the One hundred and seventeenth Section of the Public Health Act to be paid by Surveyors of Highways to the Treasurer of the Local Board, and to be carried to the District Fund Account, shall, in every District where the Roads are repaired out of Highway Rate, after the passing of this Act be carried by the same Treasurer to a separate Account to be kept by him, and called the Highway Rate Account.

Duties of Clerk of Local Board as to Accounts of Expenditure on Highways.

XXIII. The Clerk of every Local Board shall, within Thirty Days after the Audit of the Accounts of such Board, prepare and make out such Statement in Writing in respect of the Highways under the Management of the said Local Board as is required by the Second Section of an Act passed in the Thirteenth Year of the Reign of Her present Majesty, Chapter Thirty-five, intituled "An "Act for requiring annual Returns of the Expenditure on High-"ways in England and Wales to be transmitted to the Secretary "of State, and afterwards laid before Parliament," of the Parties therein mentioned, and shall transmit such Statement to One of Her Majesty's Principal Secretaries of State, under the Penalties declared by that Section, such Penalties to be recovered and applied as Penalties are by the said Public Health Act made recoverable and applicable.

Repeal of Sects. 69. & 70. of Public Health Act, and Provisions as to Streets not being Highways.

XXIV. The Sixty-ninth and Seventieth Sections of the Public Health Act shall be repealed; and in lieu thereof the following Provisions shall be enacted with respect to present and future Streets that are not Highways repairable at the Public Expense; that is to say,

(1.) In case any such Street as aforesaid, or the Carriageway or Footpath thereof, or any Part thereof, is not sewered, levelled, paved, flagged, channelled, or made good to the Satisfaction of the Local Board, such Board may from Time to Time, by Notice in Writing to the respective Owners or Occupiers of the Premises fronting, adjoining, or abutting upon such Parts as may require to be sewered, levelled, paved, flagged, channelled, or made good, require them to sewer, level, pave, flag, channel, or make good the whole Breadth of such Street or the Carriageway or Foot-

path thereof, or such Part thereof, within a Time to be specified in such Notice; and if such Notice is not complied with the said Local Board may, if they think fit, execute the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be paid by the Owners in default, according to the Frontage of their respective Premises, or in such Proportion as may be settled by the Surveyor of the Local Board, or in case of Dispute by Arbitration in the Manner provided by the Public Health Acts; and such Expenses may be recovered from the last-mentioned Owners in a summary Manner, or the same may be declared by Order of the said Local Board to be Private Improvement Expenses, and be recoverable accordingly:

(2.) In Cases where the Owners of the Premises fronting, adjoining, or abutting on both Sides or either Side of any such Street or Part of a Street as aforesaid are not entitled to a Right of Way in such Street, then, if any such Street, or the Carriageway or Footpath thereof, or any Part thereof, is not sewered, levelled, paved, flagged, channelled, or made good to the Satisfaction of the Local Board, such Board may from Time to Time, by Notice in Writing to the respective Owners of the Soil of such Street, require them to sewer, level, pave, flag, channel, or put in repair the whole Breadth of such Street, or the Carriageway or Footpath thereof, or such Part thereof, within a Time to be specified in such Notice; and if such Notice is not complied with the said Local Board may, if they think fit, execute the Works mentioned or referred to therein, and upon the Execution thereof, by Notice put up in any Part of such Street, declare the same to be a Highway repairable at the Public Expense, and such Street shall thenceforth be deemed to be a Highway repairable at the Public Expense; and in case any such Street shall be bounded on One Side thereof, or of any Part thereof, by Premises fronting, adjoining, or abutting upon such Street, and not within the District in which such Street may be situated, and such Street, or the Carriageway or Footpath thereof, shall not be sewered, levelled, paved, flagged, channelled, or made good to the Satisfaction of the Local Board within whose District such Premises are situate, such Local Board may, notwithstanding such Street, or some Part thereof, is not within the District for which such Local Board is constituted, from Time to Time agree with the Local Board or other Local Authorities within whose Jurisdiction such Street may be situate for the sewering,

sewering, levelling, paving, flagging, channelling, or making good of such Street, and may pay the Expense of such Works out of any Funds in their Hands, and may recover such Expenses from the Owners of such Premises in default according to the Frontage of their respective Premises, or in such other Proportion as may be settled by the Surveyor of the last-mentioned Local Board, or in case of Dispute by Arbitration as provided by the Public Health Act; and such Expenses may be recovered from the last-mentioned Owners in a summary Manner, or the same may be declared by the Order of the last-mentioned Local Board to be private Improvement Expenses, and be recoverable accordingly; and from and after the Execution of such Works such Street shall be a Highway repairable at the Public Expense of the District within which it is situate:

(3.) The Local Board may from Time to Time, by Notice in Writing, put up in any Part of any present or future Street that is not a Highway repairable at the Public Expense, declare the whole Breadth of such Street, or the Carriageway or Footpath thereof, or any Part of such Street, Carriageway or Footpath, to be a Highway repairable at the Public Expense, and after the Expiration of a Month from the Date of such Notice being so put up the same shall, subject to the Provision herein-after contained, become a Highway repairable at the Public Expense, and be from Time to Time repaired as such; provided that no such Notice shall be of any Force, nor shall such Street or Part thereof, Carriageway or Footpath, become a Highway as last aforesaid, if within One Month after such Notice has been put up the Proprietor of such Street or Part thereof, Carriageway or Footpath, by Notice in Writing to the said Local Board objects thereto:

(4.) No Rector, Vicar, Curate, Incumbent, or Minister, of any Church, District Church, or Episcopal Chapel, and no Minister or Preacher of any other Chapel or Place which is or may be exclusively appropriated to Public Religious Worship, and which, being neither a Church, District Church, nor Episcopal Chapel is or may be duly certified according to the Laws for the Time in force for the Performance of such Religious Worship, shall be deemed to be the Owner or Occupier of any such Church, Chapel, or other Place for the Purposes of this Section, or be liable in respect of such Church, Chapel, or other Place, or in respect of any Churchyard or Burial Ground attached

thereto, to contribute to any Expenses payable under this Section, nor shall any such Expenses be deemed to be a Charge on such Church, Chapel, or other Place, or on such Churchyard or Burial Ground, or to subject the same to Distress, Execution, or other legal Process; and the Local Board may, if they think fit, undertake any Works from the Expenses of which any Rector, Vicar, Curate, Incumbent, Minister, or Preacher is hereby exempted, and pay the Expenses thereof out of the General District Rates levied in pursuance of the Public Health Act:

(5.) Any such Chapel, or other Place as aforesaid shall be deemed to be exclusively appropriated to public Religious Worship, notwithstanding the same or any Part thereof is used for Sunday or Infant School, or for the Charitable Education of the Poor.

Local Board may adopt Baths and Washhouses Act.

XXV. The Local Board of any District may determine that the Act passed in the Tenth Year of the Reign of Her present Majesty, Chapter Seventy-four, and intituled "An Act to encourage the "Establishment of Public Baths and Wash-houses," shall be adopted in such District; and upon such Adoption being made, the Provisions of such Act, and of any Act for the Amendment of the same, shall come into Operation within the District, and the Local Board shall possess the like Powers and Privileges, and be subject to the like Obligations, so far as the same respectively are applicable, as are by any Act mentioned in this Section conferred or imposed on the Council of any Borough; and all Expenses incurred by the Local Board in carrying into execution the Powers given to them by this Section shall be defrayed out of the Rates under the Public Health Act as the Nature of the Case may require, and all Receipts by them by reason of the Exercise of such Powers shall be carried to the District Fund Account.

Incorporation of Provisions of Towns Police Clauses Act, 1847.

XXVI. The Provisions of "Towns Clauses Police Act, 1847,"

(1.) With respect to Obstructions and Nuisances in the Streets, and

(2.) With respect to Fires,

(3.) With respect to Hackney Carriages,

shall be incorporated with this Act, subject to the following Qualification; that is to say,

All Penalties imposed by the said "Towns Police Clauses Act, 1847," shall be recoverable in the same Manner and be applied to the same Purposes in and to which Penalties imposed by the Public Health Act are recoverable and applicable:

In

In the Construction of the said "Town Police Clauses Act, 1847," the Expression "Constable or other Officer appointed by virtue of this or the Special Act" shall mean the Constable or other like Officer having Jurisdiction within the District.

Incorporation of Provisions of the Towns Improvement Clauses Act, 1847.

XXVII. The Provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following Matters, that is to say,

(1.) With respect to naming the Streets and numbering the Houses;

(2.) With respect to improving the Line of the Streets and removing Obstructions;

(3.) With respect to ruinous or dangerous Buildings;

(4.) With respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses;

(5.) With respect to the Prevention of Smoke;

(6.) With respect to Clocks,

shall be incorporated with this Act, subject to this Qualification, that the above-mentioned Provisions respect to the Prevention of Smoke shall not extend to any of the Processes following; that is to say, to the coking of Coal, the calcining of Ironstone or Limestone, the making or burning of Bricks, Earthenware, Quarries, Tiles, or Pipes, the raising of any Mines or Minerals, the smelting of Iron Ores, the refining, puddling, shingling, annealing, and rolling of Iron or other Metals, or to the melting and casting of Iron into Castings.

Supply of Water compulsory when it can be furnished at 3*d.* per Week.

XXVIII. The Seventy-sixth Section of "The Public Health Act" shall be repealed, and in lieu thereof be it enacted, That if it appears to the Local Board that any House within their District is without a proper Supply of Water, and that such Supply can be provided at an Expense not exceeding Threepence a Week, the Local Board may serve a Notice on the Owner of such House, requiring him to obtain such Supply within a Time to be specified in such Notice, and to do all such Works as may be necessary for that Purpose; and if such Owner fail to comply with such Notice the Local Board may themselves do such Works, and all Expenses incurred by them in so doing may be recovered in a summary Manner from such Owner, or may, if the Local Board thinks fit, be deemed to be Private Improvement Expenses, and recoverable accordingly.

Miscellaneous.

Repeal of Section 86 of Public Health Act.

XXIX. The Eighty-sixth Section of the Public Health Act shall be repealed; and in lieu thereof be it enacted as follows: Whenever any Expenses are incurred or to be incurred by the Local Board in making, enlarging, altering, arching over, covering, or enclosing any Sewer

vested or to be vested in them by the Public Health Act, or purchased or acquired by them by virtue thereof, or in or about any other Works, Matters, and Things of a permanent Nature, and executed or done for the Benefit of any District or Part of a District, the said Local Board shall make and levy, in respect of the Premises situate in the District or Part of a District for the Benefit of which the Expenses are incurred or to be incurred, an annual Rate, to be called a Special District Rate, of such Amount as will be sufficient to discharge the Amount of such Expenses, and Interest thereon, within such Period, not exceeding Fifty Years, as the said Local Board shall in each Case determine: Provided always, with respect to the Cost of making any such new Sewer, that if it appear to the said Local Board that any Premises were sufficiently drained before the new Sewer was made they shall deduct from the Amount of Rates otherwise chargeable in respect of such Premises such a Sum and for such Time as the said Local Board may, under all the Circumstances of the Case, deem to be just.

CLAUSE A. Provision as to Exemptions under Local Acts.

XXX. If any Local Board by Writing under their Seal represent to the General Board that in pursuance of any Local Act of Parliament and the Public Health Act, or in pursuance of either of such Acts, any Persons are exempted from being rated to the General or Special District Rates in respect of Houses situate within their District, and rated to the Relief of the Poor at a less Amount than Ten Pounds a Year, and by the same Writing declare that in their Opinion such Exemption ought to be abolished, the General Board may, upon the Receipt of such Representation, if they think fit so to do, forthwith direct a Superintending Inspector to proceed to the District for the Purpose of making public Inquiry into the Matter, and such Inquiry shall be deemed to be an Inquiry under the Public Health Act, and shall be conducted accordingly; and upon the Completion of such Inquiry the Inspector shall report the Result of his Inspection to the General Board, and if such Report is in favour of the Repeal of the Exemption the General Board may by Provisional Order declare such Exemption to be repealed, but such Repeal shall not be of any Effect unless such Provisional Order is confirmed by Parliament.

Provision with regard to existing Mortgages.

XXXI. Any Local Board of Health which, before the passing of this Act, has borrowed, on the Credit of Rates under the Public Health Act, Sums of Money repayable in Periods not exceeding Thirty Years, may, with the Consent of the Lenders of such Sums, and the Sanction of the General Board of Health, extend the Time for Repayment of such Sums to such Period, not exceeding Fifty Years, as the Local Board shall in each Case determine.

XXXII. When-

Power of Local Board to order new Assessment.

XXXII. Whenever it appears to any Local Board that the Valuation of any Property on which the Poor Rates are assessed within their District does not furnish a correct Estimate for the Assessment of Rates under the Public Health Act, they may order a Valuation to be made of any Property within their District liable to Rates under the Public Health Act, according to the annual Value of such Property, and may pay the Cost of such Valuation out of the General District Rates, and may, from and after the making of such Valuation, assess thereon all Rates that may be leviable in the District or in such Part thereof under the Public Health Act.

Publication of Private Improvement Rates not required.

XXXIII. No Publication shall be required of any Private Improvement Rate levied under the Public Health Act.

Repeal of Portion of 11 & 12 Vict. c. 63. s. 107.

XXXIV. So much of the Hundred-and-seventh Section of the Public Health Act as provides that the Money borrowed under the Authority of that Act shall not at any Time exceed in the whole the assessable Value for One Year of the Premises assessable under that Act, within the District or Part of a District for or in respect of which such Money may be borrowed, shall be hereby repealed; and instead thereof be it enacted as follows: That the Money borrowed under the Authority of the Public Health Act shall not at any Time exceed in the whole the assessable Value for Two Years of the Premises assessable under those Acts within the District or Part of a District for or in respect of which such Money may be borrowed.

What Rates may be mortgaged to raise Money for First Outlay on Private Improvement Expenses.

XXXV. Every Local Board of Health desirous of obtaining an Advance of Money to provide for the Expenses of any Works declared by the Public Health Act to be Private Improvement Expenses may secure the Repayment of such Advance, and Interest, by a Mortgage of all or any of the Rates authorized to be levied by them under the Public Health Act; but the Power of mortgaging hereby given shall be without Prejudice to the Power of such Local Board to levy a Private Improvement Rate for the Payment of such Expenses, and it shall be their Duty to levy the same accordingly, and to appropriate all Monies arising from such last-mentioned Rate in liquidation, in the first place, of any Monies that may have been paid out of any other Rate in respect of any Advance so made for Improvement Expenses, or of the Interest on such Advance, and, subject as aforesaid, to the Purposes for which the Monies arising from such Private Improvement Rates are otherwise applicable under the Public Health Act.

Costs of levying Arrears of Rates.

XXXVI. The Costs of the Levy of Arrears of Rates under the Public Health Act may be included in the Warrant for such Levy.

 XXXVII. And

Explanation of Sect. 113. of 11 & 12 Vict. c. 63.

XXXVII. And whereas Doubts have existed whether, under the Public Health Act, Local Boards of Health may pay off any Sums borrowed by them on Mortgage otherwise than in the Manner described in the Section numbered One hundred and thirteen in that Act, and also whether such Sums may be borrowed for less than a Period of Thirty Years; and it is desirable that such Doubts should be removed: Be it hereby enacted, That any Sum so borrowed may, by Agreement with the Mortgagee, be paid off by equal annual Instalments of Principal and Interest, and that (when the Period of Repayment is not extended under the Powers of this Act) such borrowing may be for such Time, not exceeding Thirty Years, as the Local Board, with the Sanction of the General Board of Health, determine in each Case.

Power of Local Board as to Turnpike Roads.

XXXVIII. It shall be lawful for any Local Board, by Agreement with the Trustees of any Turnpike Road, to take upon themselves the Maintenance, Repair, Cleansing, and Watering of such Portion of the said Road as may be within their District, or of any Part of such Portion, on such Terms as the Local Board and the Trustees may agree upon between themselves, and to raise Money for the Purposes of such Agreement on the Credit of General District Rates; and Notice of every such Agreement shall be published once at the least in some One Newspaper circulating within the District for Two successive Weeks after such Agreement has been made, and shall be affixed in all Places within the District where public Notices are usually affixed; and any Person holding any Security for Money advanced to such Trustees, if dissatisfied with such Agreement, may appeal against the same to the Court of General or Quarter Sessions, in the same Manner, and on the same Terms in respect of Notice, as are contained in the Public Health Act in the Case of Appeals against Rates leviable under that Act; and the Determination of the said Court in respect of such Agreement shall be conclusive.

Sect. 126. of 5 & 6 W. 4. c. 76. not to apply to Public Health Acts.

XXXIX. The Section relating to the Application of Penalties numbered One hundred and twenty-six in the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Seventy-six, intituled "An Act for the better "Regulation of Municipal Corporations in England and Wales," shall not extend to the Application of Penalties incurred under the Provisions of the Public Health Act, or any Act amending the same.

Appellants under Public Health Act to enter into Recognizances.

XL. Every Person giving Notice of Appeal to the Court of General or Quarter Sessions under the Public Health Act shall, within Five Days after giving such Notice, enter into a Recognizance before some Justice of the Peace, with sufficient Securities, to the Satisfaction

Satisfaction of such Justice, conditioned to try such Appeal at the then next General Sessions or Quarter Sessions of the Peace, whichever first happens, and to abide the Order of and pay such Costs as may be awarded by the Justices at such Sessions.

Notices by Local Board, how signed.

XLI. Where any Notice is required to be given by any Local Board under the Public Health Act, such Notice shall in all Cases be sufficiently executed if signed by the Clerk to the Local Board; and every Notice purporting to be signed by such Clerk shall be receivable in Evidence in all Courts of Justice, and in all legal Proceedings, without any further or other Proof thereof.

Notices to be binding on Assigns.

XLII. All Notices required under the Public Health Act to be served on any Owner or Occupier shall, if due Service thereof has been once made on any Owner or Occupier, be binding on all Persons claiming by, from, or under such Owner or Occupier, to the same Extent as if such Notice had been served on such last-mentioned Persons respectively.

Penalty on Injury to Works, &c. of Local Board.

XLIII. If any Person injures any Works or Materials belonging to any Local Board, he shall incur for every such Offence a Penalty not exceeding Five Pounds, to be recovered in a summary Manner.

Repeal of Sect. 145. of PublicHealth Act.

XLIV. The Hundred-and-forty-fifth Section of "The Public Health Act" shall be repealed, but such Repeal shall not affect any Decree or Order of the High Court of Chancery or of any other Court of Justice that has been obtained previously to the passing of this Act in relation to the Matters prohibited by such Section.

Saving Clauses.

Saving Clause for Proprietors of Canals, &c. 11 & 12 Vict. c. 63. s. 118.

XLV. No Power given by the Public Health Act, including this Act, shall be exercised in such Manner as to do the following Things or any of them:

(1.) To interfere with any River, Canal, Dock, Harbour, or Basin, so as to injuriously affect the Navigation thereon or the Use thereof, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals, are by virtue of any Act of Parliament entitled to navigate on or use such River, Canal, Dock, Harbour, or Basin, or in respect of the Navigation on or Use of which River, Canal, Dock, Harbour, or Basin any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals are entitled by virtue of any Act of Parliament to the Receipt of any Tolls or other Dues:

(2.) To interfere with any Watercourse in such Manner as to injuriously affect or injuriously diminish the Supply of Water to any River, Canal, Dock, Harbour, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, (being authorized by virtue of any Act of Parliament to navigate on or use such River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation on or Use of such River, Canal, Dock, Harbour, or Basin,) would, if this Act had not passed, have been entitled by Law to prevent or be relieved against such Interference:

(3.) To interfere with any Bridges crossing any River, Canal, Dock, Harbour, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are authorized by virtue of any Act of Parliament to navigate or use such River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation or Use of such River, Canal, Dock, Harbour, or Basin:

(4.) To execute any Works in, through, or under any Wharves, Quays, Docks, Harbours, or Basins, to the exclusive Use of which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament, or for the Use of which they are entitled by virtue of any Act of Parliament to demand any Tolls or Dues;—

Without the Consent in every Case of such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as are herein-before in that Behalf respectively mentioned, such Consent to be expressed in Writing, in the Case of a Corporation under their Common Seal, and in the Case of a Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, under the Hand of their Clerk or other duly authorized Officer or Agent.

Clause B. Saving Clause as to displacing Pavements.

XLVI. Notwithstanding anything contained in the Public Health Act, any Corporation, Company, Body of Undertakers, or Individuals may, without incurring any Penalty, displace, take up, or injure the Pavement Stones, Materials, Fences, or Posts of any Street without the Consent of the Local Board in the Cases and subject to the Conditions in and subject to which they are authorized so to do by any Act of Parliament.

Certain Works to be referred to Arbitration.

XLVII. In Cases where any Matters or Things proposed to be done by any Local Board, and which are not within the Prohibition aforesaid, interfere with the Improvement of any River, Canal, Dock, Harbour,

Harbour, Basin, or Towing Path which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the Navigation whereon or Use whereof to demand any Tolls or Dues, or interfere with any Works belonging to such River, Canal, Dock, Harbour, or Basin, or with any Land necessary for the Enjoyment or Improvement thereof, the Local Board shall give to such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as last aforesaid a Notice specifying the Particulars of the Matters and Things so intended to be done; and if the Parties on whom such Notice is served do not consent to the Requisitions thereof, the Matter in difference shall be referred to Arbitration in manner directed by the Companies Clauses Consolidation Act, 1845, and for this Purpose the Clauses of the said Act with respect to the Settlement of Disputes by Arbitration shall be incorporated herewith, subject to the Qualification that in Cases where the Board of Trade is thereby authorized to appoint an Umpire the General Board shall have Power to appoint the same; and the following Questions shall be decided by such Arbitration; (that is to say,)

(1.) Whether the Matters or Things so proposed to be done by the Local Board will cause any Injury to such River, Canal, Dock, Harbour, Basin, Towing Path, Works, or Land as are herein-before mentioned in this Section, or to the Enjoyment or Improvement of such River, Canal, Dock, Harbour, or Basin as aforesaid:

(2.) Whether any Injury that may be caused by such Matters or Things or any of them is or not of a Nature to admit of being fully compensated by Money.

Effect of Arbitration.

XLVIII. The Result of any such Arbitration shall be final, and the Local Board shall do as follows; (that is to say,)

If the Arbitrators are of opinion that no Injury will be caused, the Local Board may forthwith proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, but that such Injury is of a Nature to admit of being fully compensated by Money, they shall proceed to assess such Compensation; and upon Payment of the Amount so assessed, but not before, the Local Board may proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, and that it is not of a Nature to admit of being fully compensated by Money, the Local Board shall not proceed to do any Matter or Thing in respect of which such Opinion may be given.

Power for Corporations to alter Sewers.

XLIX. Any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on or use any River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation on such River or Canal, or the Use of such Dock, Harbour, or Basin, may, at their own Expense, and on substituting other Sewers, Drains, Culverts, and Pipes equally effectual, take up, divert, or alter the Level of any Sewers, Drains, Culverts, or Pipes constructed by any Local Board, and passing under or interfering with such Rivers, Canals, Docks, Harbours, or Basins, or the Towing Paths of such Rivers, Canals, Docks, Harbours, or Basins, and do all such Matters and Things as may be necessary for carrying into effect such taking up, Diversion, or Alteration.

Saving Clause for Rights of Millowners, &c.

L. No Power given by the Public Health Act, including this Act, shall be exercised in such Manner as to injuriously affect the Supply, Quality, or Fall of Water contained in any Reservoir or Stream, or any Feeders of such Reservoir or Stream, in Cases where any Company or Individual are entitled for their own Benefit to the Use of such Reservoir or Stream, or to the Supply of Water contained in such Feeders, for the Purpose of any Mills, Mines, Print Works, Bleach Works, or other Trade Purposes, without the Consent in Writing of the Parties so entitled to the Use of such Reservoirs, Streams, and Feeders, and also of the Owners thereof, in Cases where the Owners and Parties so entitled are not the same Persons.

Arbitration Questions under preceding Sections.

LI. Any Difference of Opinion that may arise between a Local Board and any such Corporation, Company, Commissioners, Conservators, Trustees, or Individuals as aforesaid, whether any Sewers, Drains, Culverts, or Pipes substituted under the Powers of this Act for Sewers, Drains, Culverts, or Pipes constructed or laid down by any Local Board are equally effectual with those for which they are substituted, or whether the Supply, Quality, or Fall of Water in any such Reservoir or Stream as last aforesaid is injuriously affected by the Exercise of Powers under the Public Health Act, shall be determined by Arbitration in the Manner provided by that Act; and in the latter Case the Arbitrators shall decide the same Questions as to the alleged Injury; and the Local Board shall proceed in the same Way as is herein-before provided with regard to Arbitrations in Cases of alleged Injury to Rivers, Canals, Docks, Harbours, and Basins.

Clause C. Saving Clause for Rights of Owners of Waterworks.

LII. No Power given by the Public Health Act, including this Act, shall be exercised in such Manner as to injuriously affect the Waterworks of any Waterworks Company incorporated by Act of Parliament,

ment, or the Quality or Quantity of the Water supplied thereto, without the Consent in Writing of such Company.

CLAUSE D. Saving of Local Acts obtained by Local Boards of Health.

LIII. Nothing in this Act contained shall abridge, impair, or otherwise affect the Provisions contained in any Local Acts of Parliament obtained by any Local Boards, and if in any Case such Provisions are inconsistent with the Public Health Act as amended by this Act, the Provisions of such Local Acts, and not of the Public Health Act as amended as aforesaid, shall prevail.

Saving Clause as to Metropolis Roads.

LIV. Notwithstanding anything contained in the Public Health Act, it shall not be lawful for any Local Board to open or in any way disturb any of the public Roads or Footpaths under the Charge of the Commissioners of the Metropolis Turnpike Roads North of the Thames, or of the Trustees of the New Cross Turnpike Roads, except upon the Conditions and subject to the Regulations hereinafter contained; that is to say,

(1.) The Local Board shall leave at the Office of the said Commissioners or Trustees Seven Days previous Notice containing full Particulars of any Works intended to be executed by them, and affecting any of such Roads:

(2.) If the General Surveyor of the said Commissioners or Trustees directs the Works to be on any particular Part of such Roads, the Local Board shall be bound to obey such Directions:

(3.) Except by the Permission of the said Commissioners or Trustees, the Traffic of any of the said Roads shall not at One Time be stopped or in any way hindered along more than Half of its Width, nor, if the Half left open is of less than the clear Width of Fourteen Feet, along more than One hundred Yards in Length, and no Alteration shall be made in the Inclination of any of the said Roads of more than One Foot in Sixty Feet:

(4.) All Works shall be done under the Superintendence of the General Surveyor; and all such Precautions as he may direct for the Protection and Convenience of the Public shall be taken by and at the Expense of the Party doing the Works, and in default the said General Surveyor shall cause to be done in that Behalf what he may think proper; and the Party doing the Works shall in all Cases of Damage occurring by reason of such Works, and whether such Precautions are or not taken, be answerable to the Person suffering such Damage, the said Commissioners or Trustees being hereby absolved from all Liability in respect of the Consequences of such Works:

(5.) The Party doing the Works shall, as regards every Road opened or disturbed, restore the same to its original State as to Surface and Materials, and, in order to meet the future Expenses consequent upon the Subsidence of Materials newly filled in, shall pay to the said Commissioners or Trustees, on Demand, such Sum as they may require for that Purpose, not exceeding One Shilling for every superficial Square Yard, and, so far as the Works affect the same, shall make good all Drainage, Paving of Water Channels, Curbs of Foot-paths, and other Matters and Things connected with the Maintenance of the said Roads, and on default the said General Surveyor may cause to be done in that Behalf what he may think fit; and in all Cases of Expense incurred by the said General Surveyor, on the Default of the Party doing the Works, such Party shall pay such Expense to the Commissioners or Trustees, on Demand.

Public Health Act Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Public Health Act, 1848.

(Prepared and brought in by Mr. Cowper and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 27 *June* 1856.

[Bill 206.] *Under 3 oz.*

A

BILL

TO

Confirm Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the Districts of Waterloo with Seaforth, West Ham, Sowerby Bridge, and Moss-side; for Alteration of the Boundaries of the Districts of Rusholme and Bishop Auckland; and for other Purposes.

WHEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the Provisions of that Act, certain Provisional Orders in the Schedule to this Act contained, and it is expedient that the said Orders should be confirmed, and further Provisions made in relation thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That— Preamble.

Certain Provisional Orders of the General Board of Health confirmed.

I. The Provisional Orders of the General Board of Health contained in the Schedule hereunto annexed shall, from and after *the passing of this Act*, so far as the same are authorised by the said

Public Health Act, be absolute, and be as binding, and of the like Force and Effect, as if the Provisions of the same had been expressly enacted in this Act.

Power for Halifax Local Board to raise Money for purchasing Gasworks.

II. Whereas by the Halifax Gas Act, 1855, the Local Board of Health for the District of the Borough of Halifax having, under an Act of the Fourth Year of George the Fourth therein recited, Power to light with Gas the Streets within the District, were authorised and required to purchase the Undertaking of the Halifax Gaslight and Coke Company, and it is expedient that the Local Board be authorised to raise the Money required for the Purchase: Therefore the Local Board may, with the Approval of the General Board of Health, borrow on Mortgage of the Gasworks, and the Income therefrom, and the General District Rates for their District or any of them, the Money required for the Purchase of the Gasworks, and any necessary Extensions thereof, and from Time to Time may re-borrow such Part thereof as is not paid off by means of a Sinking Fund; and for the Purposes of this Enactment the Clauses "with respect to Mortgages "to be executed by the Commissioners" of the Commissioners Clauses Act, 1847, are incorporated with this Act.

First Election of Local Board of Waterloo with Seaforth.

III. The First Election of the Local Board of Health for the District of Waterloo with Seaforth, for the Purposes of the said Public Health Act, shall take place on the *Thirtieth Day of July in the Year of our Lord One thousand eight hundred and fifty-six.*

Constitution of West Ham Local Board of Health.

IV. *Three* of the Members of the Local Board of Health for the District of West Ham, to be constituted in pursuance of the West Ham Provisional Order set forth in the Schedule to this Act, and of this Act, shall from Time to Time be delegated by the Court of Commissioners of Sewers for the Dagenham and Havering Levels; and the *Twelve* remaining Members of the said Board shall be elected for the whole of the said District of West Ham by the Owners of and Ratepayers in respect of Property in the said District.

First Election of Local Board of West Ham.

V. The First Election of the Local Board of Health for the District of West Ham, for the Purposes of the said Public Health Act, shall take place on the *Fifth Day of August in the Year of our Lord One thousand eight hundred and fifty-six.*

First Election of Local Board of Sowerby Bridge.

VI. The First Election of the Local Board of Health for the District of Sowerby Bridge, for the Purposes of the said Public Health Act, shall take place on the *Thirtieth Day of July in the Year of our Lord One thousand eight hundred and fifty-six.*

VII. The

VII. The First Election of the Local Board of Health for the District of Moss-side, for the Purposes of the said Public Health Act, shall take place on the *Thirtieth Day of July in the Year of our Lord One thousand eight hundred and fifty-six.* First Election of Local Board of Moss-side.

VIII. This Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act, 1848, were One Act. Act incorporated with Public Health Act, 1848.

IX. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act, 1856." Short Title.

SCHEDULE to which this Act refers.

WATERLOO WITH SEAFORTH.

Provisional Order for the Application of the Public Health Act to the District of Waterloo with Seaforth, in the County Palatine of Lancaster.

GENERAL BOARD OF HEALTH.

WHEREAS, upon the petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the townships of Great Crosby and Litherland, in the parish of Sefton and county palatine of Lancaster, the General Board of Health appointed for the purposes of the Public Health Act, 1848, have, in pursuance of the provisions of that Act, directed Robert Rawlinson, a Superintending Inspector, appointed for the purposes of the said Act, to visit the said townships, within and throughout the boundaries thereof, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial-grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said townships for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said townships, or having relation to the purposes of the said Act; also, as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said inquiry, and hath reported in writing to the said General Board upon the several matters with respect to which he was directed to inquire, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of that Act.

And whereas copies of the said Report, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it having appeared to the said General Board that the boundaries which might be most advantageously adopted for the purposes of the Act were not the same as those of the said townships, with respect to which the said inquiry had been made, the said Board caused Alfred Lamerte Dickens, another of the Superintending Inspectors appointed for the purposes of the said Act, to visit the parts within the boundaries proposed to be adopted for the purposes of the said Act:

And

And whereas the said last-mentioned Superintending Inspector, after having given such notice as is required by the said Act, did hear all persons desirous of being heard before him on the subject of the said Report, and did make further inquiry and report according to the directions of the said Board.

And whereas copies of such further Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said last-mentioned Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed; and no such statements have been received by the said Board in relation to such Report.

And whereas it appears to the said General Board to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to so much of the said townships of Great Crosby and Litherland as is included within the boundary described in the Schedule to this Order; but the same cannot be done without the authority of Parliament.

Now therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, the Public Health Act, 1854 (17 & 18 Vict. c. 95.), and the General Board of Health Continuance Act, 1855 (18 & 19 Vict. c. 115.), We, the said General Board of Health, do, by this Provisional Order, under the hand of the President of the said Board and the official seal of that Board, direct:—

That, from and after the passing of any Act of Parliament confirming the present Order,—

1.—The Public Health Act, 1848, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to so much of the said townships of Great Crosby and Litherland, in the parish of Sefton, in the county palatine of Lancaster, as is described in the Schedule to this Order annexed, and that the said district shall be called "Waterloo with Seaforth."

2.—The Local Board of Health for the said district shall consist of nine persons, and the entire number shall be elected for the whole of the said district.

3.—That one third in number of the said Local Board shall go out of office on the 25th day of March in each year subsequently to that in which the first election takes place; but in case the day as appointed shall fall on a Sunday, or on a day appointed for a Public Fast or Thanksgiving, then that such one third shall go out of office on the day next following.

4.—That every person shall, at the time of his election as member of the said Local Board, and so long as he shall continue in office by virtue of such election, be resident as in the Public Health Act, 1848, is required, and be seised and possessed of real or personal estate, or both, to the value or amount of not less than one thousand pounds, or shall be so resident and rated to the relief of the poor of some parish, township, or place of which some part is within the said district, upon an annual value of not less than thirty pounds.

5.—That, at the first election of the said Local Board, William Hall, of Seaforth near Liverpool, in the said county palatine of Lancaster, Esquire, shall have the powers and perform the duties vested in or imposed upon

the Chairman of the Local Board of Health by the Public Health Act, 1848, in relation to any election by owners of property and rate-payers, and shall perform all other duties which it may be requisite for him to perform in conducting and completing the said first election; and in case the said William Hall, Esquire, from illness or other sufficient cause, shall be unable to exercise or discharge such powers or duties, or shall be absent or shall refuse to act, then William Gillibrand Unsworth, of Waterloo near Liverpool aforesaid, Esquire, shall exercise and perform such of the said powers and duties as then remain to be exercised or performed.

6.—That the fourteen days notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said William Hall, at his residence at Seaforth aforesaid, or in case he shall refuse or be unable to receive the same then to the said William Gillibrand Unsworth, at his residence at Waterloo aforesaid.

Given under my Hand and under the Seal of the General Board of Health, this sixth day of May, in the year of our Lord One thousand eight hundred and fifty-six.

(L.S.) (Signed) W. COWPER.

Schedule to which this Order refers.

The following is the Description of the Boundary of the district of Waterloo with Seaforth referred to in the above Order :—

Commencing on the north at the point where a drain or gutter called "the Warrenhouse Gutter," falls into the estuary of the river Mersey, and following in an eastwardly direction the course of the same drain or gutter on the north side thereof, passing under the Liverpool, Crosby, and Southport Railway, unto and across a certain lane called Marsh Lane; then turning off at a right angle and running southwardly along the eastern side of the same lane, and on the western side of the said drain or gutter until the junction of the said lane with a road called "The Liverpool Road," and then crossing the said Liverpool Road and following for a short distance the southern line of an old watercourse in a field belonging to John Myers, Esq., now covered in and supposed to be a part of the aforesaid drain or gutter, until such watercourse reaches a thorn fence on the east side of the same field near a gate, and there turning a little south-eastwardly and running in a southerly direction along a continuation of the same fence in Mr. Myers' land, to the northern side of a lane called "Sware Lane," where such lane terminates westwardly, and is met by another lane running thence westwardly called "Makin's Lane;" then proceeding southwardly in a direct line, slightly bearing eastwardly, across the end of "Sware Lane," and over a plantation shrubbery and two fields belonging to the trustees of the will of John Hicks, Esq., skirting in its course the eastern end of a long and narrow plantation, also belonging to the same trustees, until such line comes to a point where it meets the boundary line dividing the townships of Great Crosby and Litherland; then turning again at a right angle and proceeding in an eastwardly direction along such boundary line until it reaches the northern end of a lane or occupation road called "Brickfield Lane," where it again turns off angularly and follows in a south-westwardly direction the eastern side of such lane until it passes under the said

said Liverpool, Crosby, and Southport Railway, at which point it again turns south-eastwardly and follows the western side of the same railway to a point where such railway crosses the boundary line dividing the townships of Litherland and Linacre, and thence turning westwardly follows the said boundary line in a westwardly direction to its western termination; the whole of the western side of the boundary intended to be hereby described being defined by the estuary of the river Mersey.

WEST HAM.

Provisional Order for the Application of the Public Health Act, 1848, *to the Parish of West Ham, in the County of Essex.*

GENERAL BOARD OF HEALTH.

WHEREAS upon the Petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the Parish of West Ham, in the County of Essex, such Parish having a known and defined boundary (the number of such petitioners greatly exceeding thirty in the whole), the General Board of Health, appointed for the purposes of the Public Health Act, 1848, have, in pursuance of the provisions of that Act, directed Alfred Lamerte Dickens, a Superintending Inspector appointed for the purposes of the same Act, to visit the said Parish, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial grounds, and the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said Parish for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said Parish, or having relation to the purposes of the said Public Health Act; also as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the Act.

And whereas the said Superintending Inspector, having previously given the notices required by the said Act, proceeded upon the said inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the several matters with respect to which he was so directed to inquire as aforesaid, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of the said Act.

And whereas copies of the said Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited, as required by that Act.

And whereas it appears upon such Report that there is a certain Local Act in force within the said Parish having relation to the purposes of the said Public Health Act, that is to say,

An Act passed in the Session of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled "An Act to extend "the Powers of the Commissioners of Sewers for the Levels of Havering, "Dagenham, and other Places, and to enable them to construct Sewers "in the Parishes of West Ham, East Ham, and North Woolwich."

And whereas it appears to the said General Board to be expedient that the said Public Health Act should be applied to the said Parish, but the same cannot be done without the authority of Parliament.

Now, therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, We, the said General Board of Health, do, by this Provisional Order, under the hand of the President and the official seal of the Board, direct, that from and after the day appointed for the first election of the Local Board of Health by any Act of Parliament confirming this Order:—

1.—The Public Health Act, 1848, and every part thereof, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to the Parish of West Ham, in the County of Essex; and the said Parish shall be a District for the purposes of the said Public Health Act.

2.—The Local Board of Health for the said Parish shall consist of fifteen persons, and shall be constituted as provided in the Act of Parliament confirming this Order.

3.—One third in number of the elected members of the said Local Board shall go out of office on the day next after the expiration of a year from the day appointed by Parliament for the first election of the said Local Board, and so on annually.

4.—Every such elected member of the Local Board shall, when elected, and while he continues a member of the said Local Board, be resident, as in the Public Health Act, 1848, is required, and be possessed of real or personal estate, or both, to the amount of not less than five hundred pounds, or shall be so resident and rated to the relief of the poor of the said Parish, or of some township or place of which some part is within the said district, upon an annual value of not less than twenty-five pounds.

5.—At the first election of the said Local Board, Samuel Riles, of Chesterton House, Plaistow, in the Parish of West Ham, in the County of Essex, gentleman, shall perform the duties which it may be requisite for him to perform in conducting the said first election; and in case the said Samuel Riles, from illnes or other sufficient cause, shall be unable to discharge such duties, or shall be absent, or shall refuse to act, then Alfred Robinson, of Plaistow, in the said Parish of West Ham, gentleman, shall perform such of the said duties as then remain to be performed.

6.—The fourteen days notice of qualification required by the Public Health Act, 1848, to be given by owners of property, in order to entitle them to vote at the said first election, shall be given to the said Samuel Riles, at Rokeby House, at Stratford, in the said Parish of West Ham,

Ham, or in case he shall refuse or be unable to receive the same, then to the said Alfred Robinson, also at Rokeby House, aforesaid.

Given under my Hand and under the Seal of the General Board of Health, this Eighth day of May, in the year of our Lord One thousand eight hundred and fifty-six.

(L.S.) (Signed) W. COWPER.

SOWERBY BRIDGE.

Provisional Order for the Application of the Public Health Act to the District of Sowerby Bridge, in the County of York.

GENERAL BOARD OF HEALTH.

WHEREAS the General Board of Health have, upon the joint petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the township of Warley, in the county of York, (the number of the said petitioners exceeding thirty in the whole,) directed William Ranger, one of their Superintending Inspectors, to visit the said township, and to make public inquiry and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said township for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said township, or having relation to the purposes of the said Act; also as to the natural drainage areas, and the existing parochial or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices required by the said Act, proceeded upon the said inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the several matters with respect to which he was so directed to inquire as aforesaid, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of the said Act.

And whereas copies of the said Report, accompanied by a notice, stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed; and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it having appeared to the said General Board that the boundaries which might be most advantageously adopted for the purposes of the Act were not the same as those of the said township with respect to which the said inquiry had been made, the said Board caused the said William Ranger to visit the parts within the boundaries proposed to be adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, after having given such notice as is required by the said Act, did hear all persons desirous of being heard before him on the subject of the said Report, and did make further inquiry and report according to the directions of the said Board.

And whereas copies of such further Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said last-mentioned Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed; and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it appears to the said General Board to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied not only to so much of the said township of Warley, but also to so much of the several adjoining townships of Skircoat, Norland, and Sowerby as is included within the boundary described in the Schedule to this Order, being the same as the boundary marked by a pink line on the map accompanying the said further Report of the said William Ranger, and being the same within which the said inquiry and further inquiry have been made; but the same cannot be done without the authority of Parliament.

Now, therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, the Public Health Act, 1854 (17 & 18 Vict. c. 95.), and the General Board of Health Continuance Act, 1855 (18 & 19 Vict. c. 115.), We, the said General Board of Health, do, by this Provisional Order, under the hand of the President of the said Board and the official seal of that Board, direct:—

That, from and after the passing of any Act of Parliament confirming the present Order,—

1.—The Public Health Act, 1848, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to so much of the said several townships of Warley, Skircoat, Norland, and Sowerby as is comprised within the pink line on the plan annexed to the said further Report, referred to on that plan as "the boundary of the proposed district," and described in the Schedule to this Order annexed, and that the said district shall be called the Sowerby Bridge district.

2.—The Local Board of Health for the said district shall consist of twelve persons, and the entire number shall be elected for the whole of the said district.

3.—One third in number of the persons so elected shall go out of office on the Twenty-fifth day of March in each year subsequent to that of the first election of the said Local Board.

4.—Every person shall, at the time of his election as member of the said Local Board, and so long as he shall continue in office by virtue of such election, be resident as in the Public Health Act, 1848, is required, and be seised and possessed of real or personal estate, or both, to the value or amount of not less than one thousand pounds, or shall be so resident and rated to the relief of the poor of some parish, township, or place of which some part is within the said district, upon an annual value of not less than thirty pounds.

5.—At

5.— At the first election of the said Local Board, Thomas Nicholl, Esquire, of Halifax, shall have the powers and perform the duties which it may be requisite for him to perform in conducting the said first election; and in case the said Thomas Nicholl, from illness or other sufficient cause, shall be unable to discharge such duties, or shall be absent, or shall refuse to act, then Thomas Wood, Esquire, of Hollins in Warley, shall perform such of those duties as then remain to be exercised or performed.

6.—The fourteen days notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said Thomas Nicholl, at the house of Mr. Thomas Sutcliffe, of Sowerby Bridge, grocer, or, in case he shall refuse or be unable to receive the same, then to the said Thomas Wood, at his house in Hollins in Warley.

Given under my Hand and under the Seal of the General Board of Health, this Eighth day of March, in the year of our Lord One thousand eight hundred and fifty-six.

Signed) W. Cowper.

(L.S.)

Schedule to which this Order refers.

The following is the description of the boundary of the district of Sowerby Bridge referred to in the above Order:—

Commencing on the Skircoat side of Mearclough or Mearclough Bottom Bridge up and including the road to Clap Lane Bar; from thence up what was lately known as Clap Lane to the park wall of Henry Edwards, Esquire; along the under side of the said park wall on what was lately called Crow Wood Lane to the bottom of Pye Nest Walk; from thence to and on the back of Crow Wood House, including the wood or plantation attached thereto, to and including Upper Broad Gates; from thence up the east side of the Blackstone Edge turnpike road leading from Rochdale to Halifax, crossing the said road opposite to the small garden gate at or near to Upper Willow Hall, or Willow Field Lodge; from thence along the upper side of the field known as the Pump Field, and along the north and west sides of the next field as far as Barstow Lane, and from thence up and including Barstow Lane to Cote Hill, in the township of Warley; from thence along the south side of the turnpike road known as the Burnley Road to the top of the road at Friendly leading to Gate Head, then down to Gate Head, but not including Gate Head Farm House; from thence to Hill Top, then across the field and over the Rochdale Canal to the west end of the garden in the occupation of Mr. Richardson at Hollin's Mill; from thence to Hollin's Mill dam stones, including the whole of Hollin's Mills, and from the said dam stones, entering into the township of Sowerby, down the Calder Side to the division fence dividing property now or lately belonging to Messrs. Waterhouse, and the property of James Walton, Esquire; from thence along the said division fence to the end of the said James Walton's property, and along the south side of the said property to the property of the Lancashire and Yorkshire Railway Company; from thence by the fences dividing the lands of the said Railway Company; and from thence the boundary line is the east and south-east fence of the meadow belonging to Upper Bentley Royd Farm as far as Upper Bentley Royd, including the farm house and barn there, and from thence along and including the road to Quarry Hill; from

thence and including the road to Watson Mill past and including Watson Mill in the township of Norland; from thence including the road to Scar Head; from thence by the foot road to Harper Royd; from thence and including the road to Fall Lane Top; and from thence including Fall Lane to and including the said Mearclough or Mearclough Bottom Bridge, which said boundary is denoted by a pink line on the plan attached to the Second Report of William Ranger, Esquire.

MOSS-SIDE.

Provisional Order for the Application of the Public Health Act to the District of Moss-side, in the County Palatine of Lancaster.

GENERAL BOARD OF HEALTH.

WHEREAS, upon the petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the township of Moss-side, in the parish of Manchester and county palatine of Lancaster, the General Board of Health appointed for the purposes of the Public Health Act, 1848, in pursuance of the provisions of that Act, directed Robert Rawlinson, a Superintending Inspector, appointed for the purposes of the said Act, to visit the said township within and throughout the boundaries thereof, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial-grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said township for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said township, or having relation to the purposes of the said Act; also as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said inquiry, and hath reported in writing to the said General Board upon the several matters with respect to which he was directed to inquire, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of that Act.

And whereas copies of the said Report, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it having appeared to the said General Board that the boundaries which might be most advantageously adopted for the purposes of the Act were not the same as those of the said township, with respect to which the said inquiry had been made, the said Board caused Alfred Lamerte Dickens,

Dickens, another of the Superintending Inspectors appointed for the purposes of the said Act, to visit the parts within the boundaries proposed to be adopted for the purposes of the said Act.

And whereas the said last-mentioned Superintending Inspector, after having given such notice as is required by the said Act, did hear all persons desirous of being heard before him on the subject of the said Report, and did make further inquiry and report according to the directions of the said Board.

And whereas copies of such further Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said last-mentioned Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed; and all such statements as have been received by the said Board in relation to such Report have been duly deposited, as required by that Act.

And whereas it appears to the said General Board to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to so much of the township of Moss-side aforesaid as is included within the red line on the map accompanying the aforesaid Report of Mr. Rawlinson to the General Board of Health, dated February 1855, together with so much of the adjoining township of Withington as is surrounded by a blue line on the said map, the said boundary being more fully described in the Schedule to this Order; but the same cannot be done without the authority of Parliament.

Now, therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, the Public Health Act, 1854 (17 & 18 Vict. c. 95.), and the General Board of Health Continuance Act, 1855, (18 & 19 Vict. c. 115.), the said General Board of Health do, by this Provisional Order, under the hand of the President of the said Board, and the official seal of that Board, direct:—

That, from and after the passing of any Act of Parliament confirming the present Order,—

1.—The Public Health Act, 1848, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to so much of the said townships of Moss-side and Withington in the parish of Manchester, in the county palatine of Lancaster, as is described in the Schedule to this Order annexed, and that the said district shall be called the "Moss-side District."

2.—The Local Board of Health for the said district shall consist of twelve persons, and the entire number shall be elected for the whole of the said district.

3.—That one third in number of the said Local Board shall go out of office on the 25th day of March in each year subsequently to that in which the first election takes place.

4.—That every person shall at the time of his election as member of the said Local Board, and so long as he shall continue in office by virtue of such election, be seised and possessed of real or personal estate, or both, to the value or amount of not less than one thousand pounds, or shall be rated to the relief of the poor of some parish, township, or place of which some part is within the said district, upon an annual value of not less than thirty pounds.

5.—That, at the first election of the said Local Board, William Medcalf, of Heald Grove, Moss-side, Esquire, shall have the powers and perform the duties vested in or imposed upon the Chairman of the Local Board of Health by the Public Health Act, 1848, in relation to any election by owners of property and ratepayers, and shall perform all other duties which it may be requisite for him to perform in conducting and completing the said first election; and in case the said William Medcalf, from illness or other sufficient cause, shall be unable to exercise or discharge such powers or duties, or shall be absent, or shall refuse to act, then Samuel Brooks, of Whalley Range, Esquire, shall exercise and perform such of the said powers and duties as then remain to be exercised or performed.

6.—That the fourteen days notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said William Medcalf, at his residence, Heald Grove, Moss-side, or in case he shall refuse or be unable to receive the same, then to the said Samuel Brooks, at his residence, Whalley Range.

Given under my Hand and under the Seal of the General Board of Health, this Twentieth day of May, in the year of our Lord One thousand eight hundred and fifty-six.

(L.S. (Signed) W. COWPER.

Schedule to which this Order refers.

The following is the Description of the Boundary of the district of Moss-side referred to in the above Order:—

This boundary will include the whole of the township of Moss-side, except the detached portion called Longsight, and will also include a portion of the township of Withington, coloured blue on the map accompanying the report of Mr. Rawlinson to the General Board of Health, dated February 1855. This portion of Withington, commencing at the northern end of Dog Kennel Lane, runs in an easterly direction along the southern side of Moss-grove to the north-western corner of a detached portion of the township of Moss-side abutting upon Moss-grove; thence in an easterly and southerly direction along the boundary of the township of Withington to the south-western corner of a paddock attached to a dwelling-house in the occupation of Mr. John Southam; thence in a westerly direction along the course of a small brook called the Clothes-field ditch, until such brook reaches Dog Kennel Lane; thence westerly along the before-mentioned brook to the boundary of Moss-side, and thence along the boundary of the said township to the point from which this description commences.

RUSHOLME.

Provisional Order for altering the Boundaries of the District of Rusholme, in the County Palatine of Lancaster, as constituted for the Purposes of the Public Health Act, 1848.

General Board of Health.

Whereas, by an Order of Her Most gracious Majesty in Council, bearing date the Eleventh day of February 1851, the Public Health Act, 1848, has been duly applied to the Township of Rusholme, in the County Palatine of Lancaster.

And whereas it appears to the General Board of Health appointed for the purposes of the said Act that the boundaries of the said District, as determined by the said Order, should be altered and amended in the manner prescribed by the said Act.

And whereas the said General Board have, in pursuance of the provisions of the said Act, directed Alfred Lamerte Dickens a Superintending Inspector appointed for the purposes of the said Act, to visit the said District, and to make public inquiry, and to examine witnesses as to the boundaries not being the boundaries of the said Township so fixed as aforesaid, which might most advantageously be adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Public Health Act, proceeded upon the said further inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the said matter with respect to which he was directed to inquire.

And whereas copies of the Report on such further inquiry, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas the alteration of the boundaries of the said District cannot be effected without the authority of Parliament.

Now therefore, in pursuance of the power vested in the said General Board of Health by the Public Health Act, 1848, the said General Board of Health do, by this Provisional Order, under my hand and seal of office, order and direct as follows; that is to say:—

That from and after the passing of any Act of Parliament confirming this present Order,—

1.—The provisions of the Public Health Act of 1848, and every part thereof, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to and be in force within and throughout the entire area comprised within the boundary coloured red on the plan prefixed to the said further Report made by Mr. A. L. Dickens to the General Board of Health, and bearing

date October 1855; and the parts within the said boundary shall be and constitute a district for the purposes of the said Public Health Act accordingly, under the name of the "Rusholme District."

2.—The present Local Board of Health for the time being for the district of Rusholme as originally constituted by the herein-before recited Order in Council shall, from and after the passing of the Act of Parliament confirming this Order, be the Local Board of Health for the District constituted by this Order and the Act of Parliament confirming the same.

3.—At every election of members of the said Local Board which shall take place after the passing of the Act of Parliament confirming this Order, the members to be elected shall be elected for the whole of the District constituted by this Order, and by the votes of owners of and ratepayers in respect of property situate within the said District; and any person residing in the said District, or within seven miles thereof, may be elected a member of the said Local Board; but the number and qualification of such members, and the day of such election, shall remain as fixed by the herein-before recited Order in Council, dated the Eleventh day of February 1851.

Given under my Hand and under the Seal of the General Board of Health, this Twentieth day of May, in the year of our Lord One thousand eight hundred and fifty-six.

(L.S.) (Signed) W. COWPER.

BISHOP AUCKLAND.

Provisional Order for altering the Boundaries of the District of Bishop Auckland, in the County of Durham, as constituted for the Purposes of the Public Health Act, 1848.

GENERAL BOARD OF HEALTH.

WHEREAS, by a Provisional Order of the General Board of Health, bearing date the 24th day of January, 1854, made under the provisions of the Public Health Act, 1848, and confirmed by the Public Health Supplemental Act, 1854, the said Public Health Act has been duly applied to the District of Bishop Auckland, in the County of Durham.

And whereas it appears to the General Board of Health appointed for the purposes of the said Act, that the boundaries of the said District, as determined by the said Order, shall be altered, in the manner prescribed by the said Act.

And whereas the said General Board have, in pursuance of the provisions of the said Act, directed William Ranger, a Superintending Inspector appointed for the purposes of the said Act, to visit the said District, and to make further public inquiry, and to examine witnesses as to the alteration of the said boundaries.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said further inquiry in the manner directed by the said Act, and hath reported in writing to the said

said General Board upon the said matter with respect to which he was directed to inquire.

And whereas copies of the Report on such further inquiry, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

And whereas it appears to the said General Board to be expedient that the boundaries of the said District should be altered, as recommended by the said Superintending Inspector, but the same cannot be done without the authority of Parliament.

Now therefore, in pursuance of the power vested in the said General Board of Health by the Public Health Act, 1848, We, the said General Board of Health, do, by this Provisional Order, under the hand of the President of the said Board, and under the official seal of that Board, order and direct as follows; that is to say:—

That from and after the passing of any Act of Parliament confirming this Order,—

1.—The provisions of the Public Health Act of 1848, and every part thereof, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to and be in force throughout a district comprising the existing District of Bishop Auckland, in the County of Durham, as constituted by the aforesaid Provisional Order, confirmed by the Public Health Supplemental Act, 1854, together with all such parts of the Township of Pollard's Lands as are situated within the boundary marked by the dotted line, described as "the Boundary of the proposed District," on the plan prefixed to the said Report made by Mr. Ranger to the General Board of Health, and which boundary is described at length in the Schedule to this Order annexed; and the said district shall be called the "Bishop Auckland" District.

2.—The present Local Board of Health for the time being for the district of Bishop Auckland, as originally constituted by the herein-before recited Provisional Order, shall, from and after the passing of the Act of Parliament confirming this Order, be the Local Board of Health for the District constituted by this Order and the Act of Parliament confirming the same.

3.—At every election of members of the said Local Board which shall take place after the passing of the Act of Parliament confirming this Order, the members to be elected shall be elected for the whole of the District constituted by this Order, and by the votes of owners of and ratepayers in respect of property situate within the said District; and any person residing in the said District, or within seven miles thereof, may be elected a member of the said Local Board; but the number and qualification of such members, and the day of such election, shall remain as fixed by the herein-before recited Provisional Order of the General Board of Health, dated the 24th day of January 1854,

and confirmed by the aforesaid "Public Health Supplemental Act, 1854."

Given under my Hand and under the Seal of the General Board of Health, this Eighth day of May, in the year of our Lord One thousand eight hundred and fifty-six.

(L.S.) (Signed) W. COWPER.

Schedule to which this Order refers.

The following is the description of the boundary of the BISHOP AUCKLAND District, referred to in the preceding Order :—

The boundary of the District of Bishop Auckland, in the County of Durham (as marked by a dotted line drawn on the Plan of the said township, prefixed to the Report on Bishop Auckland, made by Mr. Ranger to the General Board of Health, dated 12th January 1854, and described on that Plan as the "Boundary of the proposed District"), commences at the centre of the Staindrop-road, and of a road leading from South Church and Etherley-green respectively, at their points of intersection with Cabin-gate; and the line follows the centre of the road running in a westerly direction, which forms the southern boundary of Cockton-hill Farm, belonging to Richard Bowser, Esq., up to the western side of a field on the north side of the aforesaid road, marked on the said Plan No. 1; then along the west fence of that field, in a northerly direction; then westerly along a portion of the south fence of a field, marked No. 2, and belonging to Richard Bowser, Esq.; then northerly, along a fence which forms the western boundary of fields, marked Nos. 2, 3, and 4, up to and across the road leading from Bishop Auckland to Etherley Grange, along a fence which forms the western boundary of two fields, marked Nos. 5 and 6, and belonging to Richard Bowser, Esq., up to a fence forming the south boundary of the Auckland and Weardale Railway; thence, still in a northerly direction, across such railway, and along a fence forming the western boundary of a field, marked No. 7, belonging to the Auckland and Weardale Railway Company, and along a fence forming the west boundary of a field, marked No. 8, up to the river Wear; then along the southern bank of the river Wear, up to the point where the river Gaunless falls into the said river; then along the western bank of the river Gaunless to the south-east corner of a field adjoining the river Gaunless aforesaid, belonging to Messrs. William, Luke, and Robert Seymour, commonly called "Penny Bat Field," and marked No. 9; thence, westerly, along a fence forming the south boundary of the said field, and across a road called the South Church-lane, leading from Bishop Auckland to South Church; and along fences forming the south boundary of the fields, marked Nos. 10, 11, and 12, belonging to Richard Bowser, Esq.; and along a fence forming the south boundary of a field, marked No. 13, belonging to the Bishop of Durham; and into the road leading from Bishop Auckland to Cabin-gate; and thence, southerly, along the centre of such road to the first-mentioned point.

The following is the description of Lands, being part of the Township of Pollard's Land, which are included in the District of Bishop Auckland, by Order :—

No. on Plan.	Late or Present Owners.	Late or Present Occupiers.	Description.
44	Thomas Peacock - -	Himself - - - -	Skinnersgarth.
43	Ditto - - - -	Ditto - - - - -	Paddock.
32	Ditto - - - -	Thomas Fletcher and others	Houses.
30	Ditto - - - -	— Cummins - - -	House and garden.
31	Margaret Easton - -	Margaret Easton and others	Cottages and garden.
29	Cuthbert Heron - -	Himself and others - -	House and gardens.
27	James Thompson -	John Proud - - -	House.
—	Ditto - - - -	Himself and others - -	Orchard and cottages.
33	Robert Mackenzie Hall	Adjutant Scott - - -	House and garth.
23	Bishop of Durham -	Ralph Powton - - -	Hedworth Close.
24	Rev. G. E. Green -	Himself - - - -	Parsonage house and gardens.
25	Ann Briggs - -	Herself and another - -	House, granaries, and stable.
26	Thomas Dawson - -	Robert Adamson and others	Cottages and gardens.
34, 35, 36	Rev. G. E. Green and others - -	James Thompson and Ralph Powton - -	Town fields.
37	William Trotter - -	William Humes, jun. - -	Grass fields.
38	Ditto - - - -	John Waggett - - -	Close of land.
39	Ditto - - - -	William Humes - - -	Grass field.
40	Auckland and Weardale Railway Company	Henry Stobart, Esq. - -	Part of Snail Croft.
42, 41	Ditto - - - -	Themselves - - -	Railway.
—	Richard Bowser - -	Thomas Sutton - - -	Tillage field. } now co-
—	Ditto - - - -	Josiah Jewett - - -	Three grass fields. } loured blue.
	And three portions of land marked by the names of William Trotter, William Gibbon, and George Maw, respectively.		

Public Health Supplemental Bill.

A

B I L L

TO

Confirm Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the Districts of Waterloo with Seaforth, West Ham, Sowerby Bridge, and Moss-side; for Alteration of the Boundaries of the Districts of Rusholme and Bishop Auckland; and for other Purposes.

(Prepared and brought in by Mr. Cowper and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed*
22 *May* 1856.

Under 3 *oz.*

[Bill 141.]

A

BILL

TO

Authorize for a further Period the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and for the Employment of the Poor.

WHEREAS an Act was passed in the Fifty-seventh Year of the Reign of His Majesty King George the Third, Chapter Thirty-four: And whereas another Act was passed in the same Session of Parliament, Chapter One hundred and twenty-four: And whereas another Act was passed in the First Year of the Reign of His Majesty King George the Fourth, Chapter Sixty: And whereas another Act was passed in the First and Second Years of the Reign of His said Majesty King George the Fourth, Chapter One hundred and eleven: And whereas another Act was passed in the Third Year of the Reign of His said last-mentioned Majesty, Chapter Eighty-six: And whereas another Act was passed in the Fourth Year of the Reign of His said last-mentioned Majesty, Chapter Sixty-three: And whereas another Act was passed in the Fifth Year of the Reign of His said last-mentioned Majesty, Chapter Thirty-six: And whereas another Act was passed in the same Year, Preamble. 57 G. 3. c. 34. 57 G. 3. c. 124. 1 G. 4. c. 60. 1 & 2 G. 4. c. 111. 3 G. 4. c. 86. 4 G. 4. c. 63. 5 G. 4. c. 36.

5 G. 4. c. 77. Chapter Seventy-seven: And whereas another Act was passed in the
6 G. 4. c. 35. Sixth Year of the Reign of His said last-mentioned Majesty, Chapter
Thirty-five: And whereas another Act was passed in the Seventh Year
7 G. 4. c. 30. of the Reign of His said last-mentioned Majesty, Chapter Thirty: And
whereas another Act was passed in the Seventh and Eighth Years of
7 & 8 G. 4. c. 12. the Reign of His said last-mentioned Majesty, Chapter Twelve: And
whereas another Act was passed in the same Year, Chapter Forty-
7 & 8 G. 4. c. 47. seven: And whereas another Act was passed in the First and Second
Years of the Reign of His late Majesty King William the Fourth,
1 & 2 W. 4. c. 24. Chapter Twenty-four: And whereas another Act was passed in the
Third and Fourth Years of the Reign of His said late Majesty,
3 & 4 W. 4. c. 32. Chapter Thirty-two: And whereas another Act was passed in the
Fourth and Fifth Years of the Reign of His said late Majesty,
4 & 5 W. 4. c. 72. Chapter Seventy-two: And whereas another Act was passed in the
First Year of the Reign of Her present Majesty Queen Victoria, Chapter
7 W. 4. & 1 Vict. c. 51. Fifty-one: And whereas another Act was passed in the First and
1 & 2 Vict. c. 88. Second Years of the Reign of Her present Majesty, Chapter Eighty-
eight: And whereas another Act was passed in the Third Year of
3 Vict. c. 10. the Reign of Her present Majesty, Chapter Ten: And whereas
another Act was passed in the Second Session of the Fifth Year of
5 & 6 Vict. c. 9. the Reign of Her present Majesty, Chapter Nine: And whereas
another Act was passed in the Ninth and Tenth Years of the Reign
9 & 10 Vict. c. 80. of Her present Majesty, Chapter Eighty: And whereas another Act
was passed in the Fourteenth and Fifteenth Years of the Reign of
14 & 15 Vict. c. 23. Her present Majesty, Chapter Twenty-three: And whereas another
Act was passed in the Sixteenth and Seventeenth Years of the Reign
16 & 17 Vict. c. 40. of Her present Majesty, Chapter Forty: And whereas sundry Advances or Loans have been made by the Commissioners of the said recited Acts for the Purposes in the same Acts specified, and great Benefits have been derived therefrom: And whereas further Advances or Loans are required for the like Objects, and it is deemed expedient to make further Advances of Money out of the Consolidated Fund for the Purposes of such Loans: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

360,000*l.* per Annum to be charged upon the Consolidated Fund by Issues not exceeding 90,000*l.* per Quarter.

I. For the Purposes of such Advances or Loans as aforesaid, the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the Time being are hereby empowered, by Warrant under the Hands of any Two or more of them, to cause to be issued out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or out of the growing Produce thereof, to the Account of the Commissioners for the Time being for the Reduction of the National Debt, a Sum or Sums of Money not exceeding

exceeding *Three hundred and sixty thousand Pounds* per Annum, during the *Five* Years next ensuing the *Fourth Day of April One thousand eight hundred and fifty-seven*, by quarterly Instalments or Issues not exceeding *Ninety thousand Pounds* per Quarter, the First Instalment thereof to become due and payable in the Quarter ending the *Thirtieth Day of June One thousand eight hundred and fifty-seven.*

Commissioners for Reduction of National Debt to be Trustees of Public Works Loan Fund, and to cause a separate Account to be continued at the Bank of England for the Purpose.

II. The Commissioners for the Time being for the Reduction of the National Debt shall be and they are hereby appointed Trustees on the Part of the Public for holding the said Monies to be issued and paid out of the Consolidated Fund as aforesaid, and they shall continue or cause to be continued the separate Account already opened at the Bank of England with them under the Title of "The "Commissioners for the Reduction of the National Debt on account of "the Public Works Loan Fund," and which Account the Governor and Company of the Bank of England shall and they are hereby required to continue in their Books accordingly, and to which Account shall be carried all such Monies as shall be issued and paid out of the Consolidated Fund for the Purposes aforesaid; and the said Commissioners for the Reduction of the National Debt shall continue and keep or cause to be continued and kept in their Office a Book or Books, in which all the Monies transferred to their Account by virtue of this Act and the said recited Acts shall be entered and kept separate and apart from all other Monies, and such Monies shall be by them held subject to the Disposal, Orders, and Directions of the said Commissioners of the said recited Acts and of this Act, for the Purposes of such Loans and Advances, and otherwise as by the same Acts, or the Acts relating thereto, or this Act, are directed or authorized to be made.

Bank to continue the Account already opened with the Commissioners for executing this Act.

III. The Governor and Company of the Bank of England shall and they are hereby required to continue the Account already opened in their Books with the Commissioners for the Execution of this Act and of the said recited Acts, under the Title of "The Commissioners "for the Issue of Loans for Public Works and Fisheries, &c.," to the Credit of which Account shall be carried all Principal and Interest Monies which shall from Time to Time become payable in respect of Loans made or to be made under the said recited Acts or this Act, and which shall be paid to the Cashiers of the said Bank of England, upon such or the like Certificates under the Hands of the said Commissioners of the said recited Acts and of this Act as have been heretofore used for such Purpose in regard to Exchequer Bill or other Loans, as directed by the said recited Acts or some or one of them, in such or the like Manner in all respects as if the Clauses and Pro-

visoes in the said recited Acts with respect to such Payments and Certificates had been repeated and re-enacted in the Body of this Act, or as near thereto as the Difference of the Circumstances will admit.

Money paid into the Bank to the Account of Commissioners for executing this Act to make Part of the Consolidated Fund.

IV. All and every Sum and Sums of Money which shall be paid into the Bank of England to the Account of the Commissioners for executing this Act, under and by virtue of this Act, shall from Time to Time, immediately on such Payments being made to the said Account, be transferred by the Governor and Company of the Bank of England to the Account kept by the said Bank of England with Her Majesty's Exchequer, and when so transferred shall be carried to and made Part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Commissioners for executing recited Acts to be Commissioners together with others for executing this Act.

V. The several Persons who in and by the said recited Acts or any of them are named or constituted Commissioners for the Execution of the said Acts, or so many of them as shall be living at the Time of the passing of this Act, together with Sir Alexander Young Spearman, Baronet, John Gellibrand Hubbard, Esquire, Henry James Prescott, Esquire, Thomas Matthias Weguelin, Esquire, Kirkman Daniel Hodgson, Esquire, and William Gladstone, Esquire, who have been appointed Commissioners for the Execution of the said recited Acts, under the Authority of the same or some or one of them, shall be, and they, and all future Parties so constituted, are hereby constituted Commissioners for the Execution of the said recited Acts and this Act, and all Acts authorized by the said recited Acts and this Act to be done and executed by the said Commissioners may be done and executed by any Three or more of them.

Commissioners to sign the following Declaration.

VI. The said Commissioners named in and by the said recited Acts or any of them, or this Act, shall, before they enter upon the Execution of this Act, sign a Declaration to the following Effect:

'I A.B. do declare, That, according to the best of my Judgment, I 'will faithfully and impartially execute the several Duties, Powers, 'and Trusts vested in me by an Act, intituled [insert Title of this 'Act], according to the Tenor and Purport of the said Act and the 'Acts therein recited, and other Acts having reference thereto.'

And such Declaration shall be kept and entered with the other Proceedings of the said Commissioners.

Amount of Monies to be advanced under this Act to be certified to the Com-

VII. When and so soon as the said Commissioners for the Execution of the said recited Acts and this Act shall have determined upon any Amount of Money to be advanced and lent or paid under the Provisions of this Act, the said Commissioners, or any Three or more of them, shall forthwith certify such Amount to the Commissioners for

for the Reduction of the National Debt for the Time being; and at the Foot of every such Certificate the Secretary of the said Commissioners for the Execution of the said recited Acts and this Act shall state the Name or Names of the Person or Persons by whom every such Certificate is to be presented to the said Commissioners for the Reduction of the National Debt; and upon every such Certificate being produced to the Officer of the said Commissioners for the Reduction of the National Debt the Comptroller General or Assistant Comptroller, or Chief Clerk acting under the said last-mentioned Commissioners, shall upon the Back of every such Certificate endorse and sign an Order for the Payment of the Sum mentioned in every such Certificate to the Person or Persons named at the Foot of every such Certificate, or to One of such Persons, and which Order of such Officer previously to the issuing thereof shall be entered by the Clerk or other proper Officer, and shall be countersigned by the Actuary or other Check Officer acting under the said last-mentioned Commissioners, and shall be addressed to the Cashiers of the Governor and Company of the Bank of England, and such Cashiers, or One of them, shall, upon the Production of every such Order, pay the Sum mentioned therein to the Person or Persons mentioned in every such Order; and the Signature of such Person or Persons, jointly or severally, shall be a sufficient Discharge to the said Commissioners for the Reduction of the National Debt, and to the said Governor and Company respectively, provided the total Amount directed to be paid by such Certificate or Certificates respectively shall not at any Time exceed the Amount for the Time being standing to the Credit of the said Account of the said Commissioners for the Reduction of the National Debt under the Provisions of this Act or of the said recited Acts.

missioners for the Reduction of the National Debt.

VIII. The Commissioners for the Reduction of the National Debt shall cause to be made up for Examination and Audit an annual Account to the Thirty-first Day of December in each Year of the Receipts, Payments, and Balances on the said Account so directed to be kept by them in respect of the said Public Works Loan Fund as aforesaid, and shall deliver the same to the Commissioners for Auditing the Public Accounts at Somerset Place.

Commissioners for Reduction of the National Debt to furnish annual Account of the Fund for Audit.

IX. All and every the several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in the said recited Acts or any of them shall not be affected nor be deemed to have been affected by any Act or Acts of Parliament already passed or to be passed, except so far as the same may by any such Act passed or to be passed be altered, varied, or repealed by express Reference to the said recited Acts or this Act; and all and every the same several

Powers, &c. of recited Acts to have the same force as if re-enacted in this Act.

Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures, so far as the same can be made applicable, and are not varied by this Act, shall be taken to extend to this Act, and to everything to be done in pursuance of this Act, and as if such Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures were herein repeated and set forth.

Public Works.

A

B I L L

To authorize for a further Period the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and for the Employment of the Poor.

(Prepared and brought in by Mr. FitzRoy, the Chancellor of the Exchequer, and Mr. Wilson.)

Ordered, by The House of Commons, *to be Printed,* 1 *April* 185 6.

[Bill 79.]

Under 1 *oz.*

1 *April* 1856. 19 Vict.

(Ireland.)

A

BILL

TO

Authorize for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in Ireland.

WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty King William the Fourth, Chapter Thirty-three: And whereas another Act was passed in the Seventh Year of the same Reign, Chapter One hundred and eight: And whereas another Act was passed in the First Year of the Reign of Her present Majesty, Chapter Twenty-one: And whereas another Act was passed in the Second Year of the Reign of Her present Majesty, Chapter Eighty-eight: And whereas another Act was passed in the Third Year of the Reign of Her present Majesty, Chapter Fifty: And whereas another Act was passed in the Second Session of the Fifth Year of the Reign of Her present Majesty, Chapter Nine: And whereas another Act was passed in the Seventh Year of the Reign of Her present Majesty, Chapter Forty-four: And whereas another Act was passed in the Ninth Year of the Reign of Her present Majesty, Chapter One: And whereas another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Eighty-five: And whereas another Act was passed in the Fourteenth and Fifteenth Years of the Reign of

Preamble.
1 & 2 W. 4. c. 33.
6 & 7 W. 4. c. 108.
7 W. 4. & 1 Vict. c. 21.
1 & 2 Vict. c. 88.
2 & 3 Vict. c. 50.
5 & 6 Vict. c. 9.
6 & 7 Vict. c. 44.
9 & 10 Vict. c. 1.
9 & 10 Vict. c. 85.
14 & 15 Vict. c. 51.

of Her present Majesty Chapter Fifty-one: And whereas by an Act
19 & 20 Vict. c. passed in the present Session of Parliament, Chapter , the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the Time being are empowered, by Warrant under the Hands of any Two or more of them, to cause to be issued out of the growing Produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to the Account of the Commissioners for the Time being for the Reduction of the National Debt, a Sum or Sums of Money not exceeding Three hundred and sixty thousand Pounds per Annum, during the Five Years next ensuing the Fourth Day of April One thousand eight hundred and fifty-seven, by quarterly Instalments or Issues not exceeding Ninety thousand Pounds per Quarter, the First Instalment thereof to become due and payable in the Quarter ending the Thirtieth Day of June One thousand eight hundred and fifty-seven: And whereas sundry Advances or Loans have been made by the Commissioners of Public Works in Ireland, under the said first-recited Act, and the several Acts since passed for amending and extending the same for the Purposes in the same Acts specified, and great Benefits have been derived therefrom, and further Advances or Loans are required for the like Objects: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appointment of Commissioners.

I. The Commissioners of Public Works for the Time being shall be Commissioners for the Execution of this Act.

Treasury may out of the 360,000*l.* per Annum granted by Vict. c. apply a Sum not exceeding 15,000*l.* per Quarter for Public Works in Ireland.

II. The said Commissioners of Her Majesty's Treasury, by Warrant under the Hands of any Two or more of them, may direct from Time to Time out of the Sum not exceeding *Three hundred and sixty thousand* Pounds per Annum which by the said Act of this present Session of Parliament they are authorized to cause to be issued out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or out of the growing Produce thereof, to the Account of the Commissioners for the Reduction of the National Debt during the Term of *Five* Years next ensuing the *Fourth Day of April One thousand eight hundred and fifty-seven*, by quarterly Instalments or Issues not exceeding *Ninety thousand* Pounds per Quarter as aforesaid, there shall issue and be paid unto the said Commissioners for the Reduction of the National Debt during the said Term of *Five* Years a Sum not exceeding *Fifteen thousand* Pounds per Quarter, to be at the Disposal of the said Commissioners of Public Works as herein-after mentioned, the First Instalment thereof to become due and payable in the Quarter ending the *Thirtieth Day of June One thousand eight hundred and fifty-seven.*

III. For

The separate Account already opened to be continued at the Bank of England.

III. For the Purpose of receiving the said quarterly Instalments the said Commissioners for the Reduction of the National Debt shall continue or cause to be continued the separate Account already opened with them at the Bank of England under the Title of "The Commissioners for the Reduction of the National Debt on account of the Public Works Loan Fund for Ireland," which Account the Governor and Company of the Bank of England shall and they are hereby required to continue in their Books accordingly, and the said Commissioners for the Reduction of the National Debt shall continue and keep or cause to be continued and kept in their Office a Book or Books in which all Monies transferred to the said last-mentioned Account by virtue of this Act and the said recited Act of the Seventh Year of the Reign of Her present Majesty shall be kept apart from all other Monies, and such Monies shall be by the same Commissioners held subject to the Disposal of the said Commissioners of Public Works for the several purposes of the said first-recited Act and the other Acts amending the same, and of this Act.

When Treasury shall have sanctioned Loans Commissioners of Public Works to certify Amount of Issue to Commissioners for Reduction of National Debt.

Upon Certificate being produced Payment to be made.

IV. When the said Commissioners of Her Majesty's Treasury shall have sanctioned any Loan under this Act or any of the above-recited Acts, and the said Commissioners of Public Works shall have ascertained that any Sum of Money is required to be issued on account of such Loan, they shall forthwith certify the Amount of such Issue to the Commissioners for the Reduction of the National Debt for the Time being, and in every such Certificate the Loan in Payment of which such Issue is required, and the Party or Parties to whom such Issue is intended to be made, shall be stated; and upon every such Certificate being produced to the Officer of the said Commissioners for the Reduction of the National Debt the Comptroller General or Assistant Comptroller or Chief Clerk acting under the last-named Commissioners shall, upon the Back of such Certificate endorse and sign an Order for the Payment of the Sum mentioned in such Certificate to the Governor and Company of the Bank of England, to be by them placed to the Account of the Governor and Company of the Bank of Ireland for the separate Account and Credit of the Paymaster of Civil Services in Ireland on account of the Public Works Loan Fund for Ireland, to be by him paid over on the Warrants of the said Commissioners of Public Works: Provided always, that Approval of such Issue by the Commissioners of Her Majesty's Treasury shall appear on such Certificate under the Hand of One of their Secretaries, and that the Amount of such Issue shall not exceed the Sum for the Time being standing in the Names of the said Commissioners for the Reduction of the National Debt, subject to the Disposal of the said Commissioners of Public Works.

Approval of Treasury of such Issue to appear on Certificate.

Order to be ntered by the proper Officer, countersigned by the Actuary, and addressed to the Cashiers of the Bank of England, who shall pay the same.

V. Every such Order of the Officer of the said Commissioners for the Reduction of the National Debt, before the issuing thereof, shall be entered by the Clerk or other proper Officer, and shall be countersigned by the Actuary or other Check Officer acting under the said Commissioners for the Reduction of the National Debt, and shall be addressed to the Cashiers of the Governor and Company of the Bank of England; and such Cashiers or One of them shall, upon the Production of every such Order, pay the Sum mentioned therein to the Governor and Company of the Bank of England, and the Signature of One of the Cashiers of the said Governor and Company of the Bank of England shall be a sufficient Discharge to the said Commissioners for the Reduction of the National Debt.

Commissioners for Reduction of National Debt to furnish an annual Account for Audit.

VI. The Commissioners for the Reduction of the National Debt shall cause to be made up for Examination and Audit an annual Account, to the Thirty-first Day of December in each Year, of the Receipts, Payments, and Balances on the said Account so directed to be kept by them in respect of the said Public Works Loan Fund for Ireland as aforesaid, and shall deliver the same to the Commissioners for auditing the Public Accounts.

Bank of Ireland to continue Account with Paymaster of Civil Services of Repayments.

VII. The Governor and Company of the Bank of Ireland shall continue the Account already opened in their Books with the Paymaster of the Civil Services of Ireland, under the Title of "The "Paymaster of the Civil Services on account of the Repayment of "Loans for Public Works," and Monies which shall from Time to Time be repaid in respect of Loans made under this Act, or in respect of the Interest thereof, shall be carried to the Credit of the same Account.

Appropriation and Entry of Repayments.

VIII. As soon as any Sum of Money shall have been so lodged to the Credit of the said Account of the Paymaster of Civil Services on account of the Repayment of Loans for Public Works, the said Commissioners of Public Works shall, upon a Notification thereof, cause to be made out and delivered to the said Paymaster of Civil Services a Statement of the proper Appropriation of such Payment, whether for Account of Interest or Principal, or how much for each respectively, upon which the said Paymaster of Civil Services shall cause to be prepared accordingly the proper Receipt or Voucher, and send the same to the said Commissioners of Public Works, who shall thereupon cause the Sum or Sums therein mentioned to be entered on the Books of the said Commissioners to the Credit of the Loan on account of which such Payment shall have been made, and such Receipt when so entered shall be delivered to the Party or Person on whose Account such Payment shall have been so made, and such Receipt

Receipt shall be a sufficient Discharge to the Party or Person paying the same.

All Sums paid into the Bank of Ireland to be carried to and made Part of the Consolidated Fund.

IX. Every Sum of Money which shall be paid into the Bank of Ireland to the Account of the Paymaster of Civil Services, on account of the Repayment of Loans for Public Works under this Act, shall from Time to Time, immediately on such Payments being made, be transferred to the Governor and Company of the Bank of Ireland to the Account kept by the Bank of England with Her Majesty's Exchequer, and when so transferred shall be carried to and made Part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Powers of recited Acts as to Advances to have the same Force as if re-enacted in this Act.

X. All the Enactments contained in the said recited Acts relating to Public Works in Ireland, or any of them, shall, except as is herein otherwise provided, extend to this Act, and to all Things done or directed to be done by the said Commissioners of Her Majesty's Treasury, or the said Commissioners of Public Works, or their Secretary for the Time being, or any other Persons or Bodies Corporate, under the Authority of the said recited Acts or this Act, or any of them, in such or the like Manner as if they had been particularly and severally re-enacted in the Body of this Act, or as near thereto as the Difference of the Circumtances will admit, except so far only as the same are amended or altered by any of the said Acts or by this Act.

Public Works.

(Ireland.)

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BILL

To authorize for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in Ireland.

(*Prepared and brought in by Mr. FitzRoy, The Chancellor of the Exchequer, and Mr. Wilson.*)

Ordered, by The House of Commons, *to be Printed,* 1 *April* 1856.

[Bill 80.]

Under 1 *oz.*

Queen's Colleges (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 8 & 9 Vict. c. 66.

Interpretation of Terms; Sect. 1.

Short Title; 2.

The President and Council of each College shall appoint not exceeding Three Medical Officers, who, with the Medical Officer of the Workhouse Hospital, may visit and prescribe for Patients therein; 3.

Boards of Guardians may permit Medical Students of the Queen's Colleges in Belfast, Cork, and Galway to have Access to Workhouse Hospitals; 4.

Students or Medical Officers may be suspended or excluded from Hospital in case of grave Misconduct or wilful Transgression of Rules; 5.

In Cases of Suspension or Exclusion Board of Guardians shall report to President or Vice-President of College and to Poor Law Commissioners; 6.

Medical Officers to give a Course or Courses of Clinical Lectures in each Year; 7.

Council to make Regulations for Students and Medical Officers appointed under this Act, subject to Approval of Poor Law Commissioners; 8.

Medical Officers may charge such Fees for Attendance at Hospitals as Lord Lieutenant shall direct and appoint; 9.

Dispensary Committees may admit Dispensary Patients to the Workhouse Hospitals of Belfast, Cork, and Galway, if the Board of Guardians be willing to receive such Persons; 10.

Recited Act and this Act to be construed as One Act; 11.

(Ireland.)

A

B I L L

TO

Extend the Provisions of an Act of the Eighth and Ninth Years of Her present Majesty, for enabling Her Majesty to endow new Colleges for the Advancement of Learning in Ireland.

Preamble. 8 & 9 Vict. c. 66.

WHEREAS an Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An Act "to enable Her Majesty to endow new Colleges for the "Advancement of Learning in Ireland," and under the Provisions of the said Act Charters have been granted to Three Colleges (called respectively the Queen's Colleges of Belfast, Cork, and Galway), the Professors of which are classed in certain Faculties, and amongst these there is a Faculty of Medicine, and a large Number of Students are in attendance upon the Lectures and Examinations in the several Branches of Medicine and Surgery delivered and conducted therein: And whereas Hospital Practice in connexion with and in the Vicinity of the said Colleges respectively is indispensable, for the complete Education of the Medical Students of the said Colleges, and for enabling them to obtain Degrees in Medicine or Diplomas in Surgery; and it is expedient that such Students should, under proper Regulations,

tions, have Access to the Hospitals respectively established in connexion with the Workhouses in Belfast, Cork, and Galway: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

I. In the Construction of this Act the Words "Poor Law Commissioners" shall mean the Commissioners for administering the Laws for the Relief of the Poor in Ireland; the Words "Workhouse Hospital" shall mean any Hospital provided for the Relief of the sick and convalescent Poor in the Town of Belfast, the City of Cork, or the Town of Galway, supported in whole or in part by the Poor Rates or other public Rates; the Words "Lord Lieutenant" shall include any other Chief Governor or Governors of Ireland.

Short Title.

II. This Act may be cited for all Purposes as "The Queen's Colleges (Ireland) Act, 1856."

The President and Council of each College shall appoint not exceeding Three Medical Officers, who, with the Medical Officer of the Workhouse Hospital, may visit and prescribe for Patients therein.

III. The President and Council of each of the said Colleges shall once in every Year, subject to the Approval of the Poor Law Commissioners, appoint any Number not exceeding *Three* fit Persons, being practising Physicians or Surgeons, and being Professors in the College by the Council of which such Appointment may be made, to be Medical Officers for the Purposes of this Act; and such Medical Officers may, together with the ordinary Medical Officer of the Workhouse Hospital in the City or Town wherein such College is situated, visit and prescribe for the Patients contained in the Wards of such Hospital to which Medical Students shall have Access under the Provisions of this Act.

Boards of Guardians may permit Medical Students of the Queen's Colleges in Belfast, Cork, and Galway to have Access to Workhouse Hospitals.

IV. It shall be lawful for the Boards of Guardians of the Unions of Belfast, Cork, and Galway respectively to permit the Students of Medicine or Surgery of the Queen's Colleges in the Town of Belfast, the City of Cork, and the Town of Galway respectively, subject to such Rules as shall be prescribed by the Councils of the said Colleges respectively, and also subject to the Regulations for the Time being of the Union within which the said Hospitals shall be respectively situate, to have Access and Admission to the Wards in the said Hospitals, for the Purpose of receiving Clinical or other Instruction from the Medical Officers of the said Hospitals, and of pursuing the Course of Study in Medicine and Surgery which may be prescribed to such Students by the Regulations of the said Colleges respectively; and such Students shall during the Period of such Attendance be subject to the Statutes, Rules, and Ordinances made or to be made for the Maintenance of Discipline in the Queen's Colleges in Ireland.

V. Pro-

Students or Medical Officers may be suspended or excluded from Hospital in case of grave Misconduct or wilful Transgression of Rules.

V. Provided always, That in case of grave Misconduct or wilful Transgression of any of the Rules or Regulations of any such Hospital, or of Neglect of Duty, by any Student having Admission to such Hospital, or by any Medical Officer of such Hospital appointed under this Act, the Board of Guardians of the Union within which such Hospital is situate may, in their Discretion, suspend from the Discharge of his Duties, or exclude from such Hospital, the Person so offending, until the Decision of the Poor Law Commissioners on his Case be made known to such Board of Guardians.

In Cases of Suspension or Exclusion Board of Guardians shall report to President or Vice-President of College and to Poor Law Commissioners.

VI. In every Case of Suspension or Exclusion as aforesaid the Board of Guardians shall without Delay report the same and the Reasons thereof to the Poor Law Commissioners, and also to the President or Vice-President of the College to which such Student shall belong, or by which such Medical Officer shall have been appointed; and the President or Vice-President shall lay such Report before the Council; and every Person so suspended or excluded, as the Case may be, shall be restored or re-admitted to the said Hospital, if the Poor Law Commissioners, on a full Consideration of the Circumstances, shall so direct, but not otherwise; and no Student so excluded shall, whether he be or be not subsequently re-admitted, have by reason thereof any Right or Claim whatever to the Repayment of any Monies by him already paid by way of Fees, either to the said College or otherwise.

Medical Officers to give a Course or Courses of Clinical Lectures in each Year.

VII. The Medical Officers appointed under the Provisions of this Act shall respectively give a Course or Courses of Clinical Lectures in each Year after the passing of this Act to the Students attending such Workhouse Hospitals, and such Lectures shall be delivered at such Place or Places and at such Times as shall be fixed by the President and Council of the respective Colleges.

Council to make Regulations for Students and Medical Officers appointed under this Act, subject to Approval of Poor Law Commissioners.

VIII. The Council of each such College shall, subject to the Powers by this Act given to the Boards of Guardians, from Time to Time make and enforce, and also amend, alter, suspend, or repeal, any Regulations or Orders respecting the Powers and Duties and Emoluments of the Medical Officers appointed to the Workhouse Hospital under the Provisions of this Act, and respecting the Terms and Conditions upon which Students or Pupils shall have Admission to such Hospital, and for regulating the Conduct of the Students or Pupils admitted to the same; and all such Regulations and Orders, when reduced into Writing, and approved by the Poor Law Commissioners, and when the Common Seal of the President, Vice-President, and Council of the College has been affixed thereto, shall have the same

Force and Effect as any Regulations whatever already made or hereafter to be made by the Council under the Powers granted to them by the said recited Act, or by their Charters respectively.

Medical Officers may charge such Fees for Attendance at Hospitals as Lord Lieutenant shall direct and appoint.

IX. It shall be lawful for Medical Officers to charge such reasonable Fees for Attendance on the Practice of the Workhouse Hospitals, and on the Clinical Lectures, as the Lord Lieutenant shall, by Order under his Hand, direct and appoint.

Dispensary Committees may admit Dispensary Patients to the Workhouse Hospitals of Belfast, Cork, and Galway, if the Board of Guardians be willing to receive such Persons.

X. And whereas the Power of the Board of Guardians to admit Patients to the Workhouse Hospitals, other than those suffering under contagious Diseases, is limited by Law to the Admission of destitute Persons and their Families, and it is expedient that such Boards of Guardians shall be empowered to admit other Patients into such Hospitals: Be it enacted, That the Dispensary Committees of the Poor Law Unions respectively in the Town of Belfast, the City of Cork, and the Town of Galway may admit any Person being a Dispensary Patient to such Workhouse Hospitals respectively, if the Board of Guardians of such Poor Law Union are willing to receive such Persons.

Recited Act and this Act to be construed as One Act.

XI. The said recited Act and this Act shall be construed together as One Act.

Queen's Colleges (Ireland).

A

B I L L

To extend the Provisions of an Act of the Eighth and Ninth Years of Her present Majesty, for enabling Her Majesty to endow new Colleges for the Advancement of Learning in Ireland.

(Prepared and brought in by Mr. Horsman and Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, *to be Printed,* 23 *June* 1856.

[Bill 197.]

Under 1 *oz.*

The Westminster Improvement Commissioners consider the Improvement of the Sanitary Condition of the Parishes of Saint Margaret and Saint John, Westminster, to be One Object of their Undertaking; and for the Purpose of promoting the Improvement of the Dwellings of the Labouring Classes in the above Parishes the Commissioners have submitted to Parliament in the present Session a Bill for incorporating a Company for improving the Dwellings of the Working Classes, and if such Bill should pass into a Law it is proposed to provide improved Lodging Houses and other Dwellings for the Labouring Classes; but no direct Provision is made by this Bill, except for forming the several Streets above mentioned.

R. H. WYATT, Parliamentary Agent.

Bills
1852
6 Vols.

In the House of Lords.—Sess. 1852–3.

WESTMINSTER IMPROVEMENT BILL.

STATEMENT

In pursuance of the Standing Order of the House of Lords, *dated 9th May* 1853,

SHOWING THE

Number, Description, and Situation of the Houses inhabited by the Labouring Classes, and the Number of Inhabitants proposed to be taken under the Westminster Improvement Act; and the Provision made for remedying the Inconvenience likely to arise from such Displacement.

16 & 17 Vict.—Sess. 1852–3.

R. H. WYATT,
28, Parliament Street.

[11.]

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